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## Regulations

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

[Regs., Serial No. 347]

#### PART 239—CHARTER TRIPS AND SPECIAL SERVICES

##### CHARTER TRIPS AND SPECIAL SERVICES BY AIR CARRIERS HOLDING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of October 1945.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 (f) thereof, hereby makes and promulgates the following regulation:

Effective October 19, 1945, § 239.1 of the Economic Regulations is repealed.

(52 Stat. 984, 988; 49 U.S.C., 425 (a), 481 (f))

By the Civil Aeronautics Board.

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 45-19724; Filed, Oct. 25, 1945; 10:52 a. m.]

### TITLE 7—AGRICULTURE

#### Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 131-1, Amdt. 5]

#### PART 1430—SUGAR

##### DELIVERIES TO AUTHORIZED PURCHASERS

War Food Order No. 131-1, as amended (10 F.R. 12759), is further amended by deleting paragraph (d) and substituting in lieu thereof the following:

(d) Deliveries to authorized purchasers. No primary distributor shall deliver direct consumption sugar to any authorized purchaser unless such authorized purchaser endorses and transfers to the primary distributor the ration evi-

dence issued to such authorized purchaser. No person shall be entitled to rely upon any such ration evidence if he knows or has reasonable cause to believe it to be false.

This amendment shall become effective at 12:01 a. m., e. s. t., October 24, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 131-1, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9577, 10 F.R. 8087; WFO 131, 10 F.R. 7131)

Issued this 23d day of October 1945.

[SEAL]      G. T. PEYTON,  
Acting Assistant Administrator.

[F. R. Doc. 45-19708; Filed, Oct. 24, 1945; 3:19 p. m.]

### TITLE 16—COMMERCIAL PRACTICES

#### Chapter I—Federal Trade Commission

[Docket No. 4402]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

H. H. HAYSSEN CO.

§ 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety. In connection with the offering for sale, sale, and distribution of the products designated "Dr. Hayssen's Eureka Goitre Balsam" and "Dr. Hayssen's Eureka Goitre Ointment", or any products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, purchase in commerce, etc., of

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A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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said preparations, which advertisements represent, directly or through inference: (a) that respondent's said preparations, whether used separately or in conjunction with one another, constitute a cure or remedy or a competent or effective treatment for tonsillitis, rheumatism, tumors, wens, or cysts; or (b) that respondent's preparation "Dr. Hayssen's Eureka Goitre Balsam" is safe and harmless; or which advertisements, in the case of the preparation "Dr. Hayssen's Eureka Goitre Balsam", fail to reveal that the use of said preparation by persons having certain goitres may result in distressing symptoms of toxic goitre and that its use by persons having tuberculosis in an active or arrested stage may result in serious injury to health; prohibited, subject to the provision, however, as respects the aforesaid required disclosure, that such advertisements need contain only the statement "CAUTION: USE ONLY AS DIRECTED" if and when the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, H. H. Hayssen Company, Docket 4402, October 8, 1945]

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 8th day of October, A. D. 1945.

*In the Matter of Charles W. Hayssen, an Individual, Trading as H. H. Hayssen Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it, reports of the trial examiner, and brief in support of the complaint (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, Charles W. Hayssen, trading as H. H. Hayssen Company or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the products designated "Dr. Hayssen's Eureka Goitre Balsam" and "Dr. Hayssen's Eureka Goitre Ointment," or any products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference:

(a) That respondent's said preparations, whether used separately or in conjunction with one another, constitute a cure or remedy or a competent or effective treatment for tonsillitis, rheumatism, tumors, wens, or cysts.

(b) That respondent's preparation "Dr. Hayssen's Eureka Goitre Balsam" is safe and harmless.

2. Disseminating, or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondent's said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof or which, in the case of the preparation "Dr. Hayssen's Eureka Goitre Balsam", fails to reveal that the use of said preparation by persons having certain goitres may result in distressing symptoms of toxic goitre and that its use by persons having tuberculosis in an active or arrested stage may result in serious injury to health: *Provided, however*, That such advertisement need contain only the statement "Caution: Use Only as Directed" if and when the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings to the above effect.

*It is further ordered*, That the respondent shall, within sixty (60) days

after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-19730; Filed, Oct. 25, 1945; 11:11 a. m.]

[Docket No. 5236]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

## MARKET DRUG

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service*: § 3.6 (y) *Advertising falsely or misleadingly—Safety*: § 3.71 (c5) *Neglecting, unfairly or deceptively, to make material disclosure—Qualities or properties of product*: § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety*: § 3.96 (a) *Using misleading name—Goods—Qualities or properties*. I. In connection with the offering for sale, sale or distribution of medicinal preparations consisting of Brown and White tablets now designated as "Pep-o-tabs", or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication; (a) that the use of said preparations by men will prevent them from feeling old; or (b) that the use of said preparations will restore ambition, or in any manner will produce or assist in producing pep, vitality, or a new feeling of manly vigor; or which advertisements fail to reveal that the preparation known as Brown tablets, when taken as directed, may produce strychnine poisoning, irritation of the kidneys, and systemic phosphorus poisoning; and, II, in connection with the offering for sale, sale, and distribution in commerce of medicinal preparations now designated as "Pep-o-tabs", or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, using the name "Pep-o-tabs", or any other name of similar import, to designate, describe, or refer to said preparations; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Market Drug, Docket 5236, October 1, 1945]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of October, A. D. 1945.

*In the Matter of George F. Hauptman, an Individual Trading as Market Drug*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent admitting all of the material allegations of fact set



forth in said complaint and waiving all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, George F. Hauptman, trading as Market Drug, or trading under any other name or names, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of medicinal preparations consisting of Brown and White tablets now designated as "Pep-o-tabs," or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of said preparations by men will prevent them from feeling old.

(b) That the use of said preparations will restore ambition, or in any manner will produce or assist in producing pep, vitality, or a new feeling of manly vigor.

2. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which fails to reveal that the preparation known as Brown tablets, when taken as directed, may produce strychnine poisoning, irritation of the kidneys, and systemic phosphorus poisoning.

3. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any representation prohibited in paragraph 1 hereof, or which fails to comply with the affirmative requirements set forth in paragraph 2 hereof.

*It is further ordered*, That the respondent, George F. Hauptman, trading as Market Drug, or trading under any other name or names, his representatives, agents, and employees, directly or through any corporate or other devices, in connection with the offering for sale, sale, and distribution in commerce of medicinal preparations now designated as "Pep-o-tabs," or any other preparation or preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from using the name "Pep-o-tabs," or any other name of similar import, to designate, describe, or refer to said preparations.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing set-

ting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-19727; Filed, Oct. 25, 1945;  
11:11 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### DIRECTION TO SHIPPERS OF COAL MOVING VIA THE GREAT LAKES TO COMMERCIAL DOCKS

To reduce the amount of bituminous coal in certain sizes moving via the Great Lakes to commercial docks, it is necessary, pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

1. The amount of coal, in the sizes specified below, which a shipper is committed to furnish during the entire 1945 season of lake navigation to:

(a) A commercial lake dock operator on the Great Lakes, or a

(b) Wholesaler or lake forwarder for forwarding to a commercial lake dock operator on the Great Lakes shall be reduced by five per cent. This direction shall apply to commitments made pursuant to the provisions of SFAW Regulation No. 24, as amended, SFAW Regulation No. 25, as amended, and SFAW Regulation No. 27, as amended, as modified by any SFAW directions, specific authorizations or adjustments. This direction shall apply only to bituminous coal in resultant sizes with a top size of 3" or smaller and to bituminous coal in other industrial sizes which are specifically approved in writing by the SFAW Area Distribution Manager for the district in which the coal is produced: *Provided, however*, That this direction shall not apply to any coal intended for the manufacture of briquettes.

2. The provisions of SFAW regulations and outstanding directions governing the rate of shipments of coal subject to this direction are continued in effect, and shall apply to the amounts of such coal permitted to be shipped by paragraph 1 of this direction: *Provided, however*, That the period for making shipments to lakes which are entitled to preferences is hereby extended to December 1, 1945.

3. No commercial lake dock operator, wholesaler or lake forwarder shall receive more coal than is permitted to be shipped to him pursuant to the provisions of this direction.

4. No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

This direction shall become effective forthwith.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 24th day of October 1945.

G. J. POTTER,  
Deputy Solid Fuels  
Administrator for War.

[F. R. Doc. 45-19772; Filed, Oct. 25, 1945;  
12:07 p. m.]

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### DIRECTION TO ALL SHIPPERS OF COAL PRODUCED IN DISTRICT 8

The following direction is issued:

Notwithstanding the provisions of SFAW Regulation No. 27 and outstanding directions, all shippers of coal produced in District 8 are prohibited from shipping any such coal via the Great Lakes prior to December 1, 1945 to any person at any point located on: Lake Erie, Lake Ontario, west of and including Toronto; the Welland Canal; the Detroit River; the St. Clair River; Lake St. Clair; Lake Michigan, within the States of Illinois and Indiana, *Provided, however*, That this prohibition shall not apply to any such coal intended for vessel fuel use.

Consumers and commercial dock operators are prohibited from receiving any coal which is not permitted to be shipped under the prohibitions provided in this direction.

Lake forwarders are hereby authorized to ship via the Great Lakes to, and with the consent of, persons in the areas not subject to the prohibition of this direction coal which would normally move to any person at a point described in the first paragraph above, provided: (1) That no lake forwarder may receive or ship any such coal in excess of the tonnages covered by commitments made pursuant to SFAW Regulations Nos. 24 and 25, as modified or adjusted from time to time; and (2) that the lake forwarder first obtains permission from the SFAW Area Distribution Manager for the district in which the coal is produced to receive and transship such coal.

No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

This direction shall become effective immediately, except that it shall not apply to coal actually dumped at the lower lake ports on and before October 29, 1945.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 24th day of October 1945.

C. J. POTTER,  
Deputy Solid Fuels  
Administrator for War.

[F. R. Doc. 45-19773; Filed, Oct. 25, 1945;  
12:07 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, as Amended Oct. 1, 1945, Amdt. 1]

Section 944.34 *Priorities Regulation 13*, is amended in the following respects:

I. In List A, Part III, the listing in Column 1 "Rope" (Manila and agave only)"



is amended to read "Rope\* (Manila only)".

II. In List B, Part III, the listing "Rope (Manila and agave only)" is amended to read as follows:

(1)	(2)	(3)
Rope (Manila and agave only).	WPB-1161.	-----

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19736; Filed, Oct. 25, 1945;  
11:17 a. m.]

PART 944—REGULATIONS APPLICABLE TO  
THE OPERATIONS OF THE PRIORITIES  
SYSTEM

[Priorities Reg. 28, as Amended Oct. 25, 1945]

RESTRICTED PRIORITIES ASSISTANCE FOR NON-  
MILITARY PURPOSES

§ 944.49 *Priorities Regulation 28—(a) What this regulation does.* As a result of victory over Japan, military procurement has been drastically reduced. The supply of materials for non-military use is expected to increase rapidly so as to be generally adequate to meet all demands. There is consequently no further need for general priorities assistance for essential non-military needs, and WPB has announced the termination of AA ratings and the Controlled Materials Plan at the end of September. It is WPB's general policy not to grant further priorities assistance for non-military purposes. However, WPB is introducing a new non-extendible CC rating for limited priorities assistance, where required in individual cases to assist reconversion or insure the continued fulfillment of essential civilian or export needs. This includes preference ratings for all purposes other than military procurement including production, construction, capital equipment, maintenance, repair, operating supplies, and export materials. This regulation explains the conditions under which WPB will assign the CC rating.

(b) *Other procedures for assigning ratings replaced.* Preference ratings for non-military purposes will be assigned from now on only in the way and under the conditions described in this regulation which supersedes previous procedures.

(c) *Applications—(1) How to apply for a CC rating.* Ordinarily, application for a CC rating under this regulation will be made on Form WPB-541A (revised) at your local field office. In a few cases, WPB may announce that a form other than WPB-541A (revised) may be provided. For instance, applications for textiles and related items for certain end uses should be made as explained in the orders in the M-317 series, and the M-328 series, and their schedules and directions.

(2) *WPB will return applications now on hand.* Since the surrender of Japan will make priorities assistance generally

unnecessary, WPB will not process applications for preference ratings and allotments of controlled materials which have already been filed under old procedures, but will return them without action, except those requiring immediate emergency assistance. If you still need a preference rating, and if you can meet the conditions described in this regulation, you may file again.

(d) *When the WPB may assign a CC rating.* It is the general policy of the WPB not to grant further priorities assistance for non-military purposes. However, the WPB may in limited cases grant CC preference ratings for specific items and quantities of materials or equipment under the following conditions:

(1) The applicant is not able, without preference rating assistance, to get the item in the minimum quantity and on the latest date practicable, and the item is required for at least one of the following reasons:

(i) In cases other than capital equipment or construction, it is a bottleneck item, a great majority of materials being obtainable without priorities assistance, and it is needed to maintain or begin operations in a plant at the minimum economic rate, or

(ii) The item is needed to prevent a delay in the completion on time of military production or construction, or

(iii) The item is needed to sustain or increase production of an item or a service which WPB has determined is in such tight supply that it is a serious threat to the economy (do not apply for a CC rating on this ground unless your product has been declared critical by a direction to this regulation or other formal action of WPB), or

(iv) The item is needed to eliminate serious hazard to life, health, or safety of a large number of people, or to maintain essential public or other community services, or

(v) The item is needed to replace an item which has been destroyed by flood, fire, tornado, or other act of God, and the item is essential to the continued operation of the plant, facility, service, or the item is to be used on a farm, or

(vi) The item is needed for construction on a home to be occupied by a World War II veteran; and the application is made by the veteran. (In such cases, priorities assistance will be granted without a showing that the veteran is unable to get other suitable accommodations in accordance with the policy established by Congress in the Independent Offices Appropriation Act of 1946. Priorities assistance will be given to veterans who need it for other purposes if they meet the other conditions described in this paragraph (d).) or

(vii) In the case of machinery and equipment, other than as provided above, the item is essential to the continued operation of the plant, facility, or service, and is needed in an emergency to replace equipment which is actually broken down and is not repairable, or to

replace equipment which has been condemned by public authority or by insurance underwriters as unsafe, which is not repairable and must be replaced under requirements of law or insurance contracts; or the item is a "bottleneck item", most of the equipment being present or obtainable without priorities assistance, and it is needed to maintain or begin operations in a plant at the minimum economic rate, or

(viii) In the case of construction, other than veterans' homes under (d) (1) (vi), the material or item is a bottleneck item, a great majority of materials being obtainable without priorities assistance, and it is needed to complete construction required for reconversion or other essential needs, or

(ix) The item is a repair part needed to prevent imminent breakdown of equipment which is essential to the continued operation of the plant, facility or service, or

(x) The item is needed to incorporate into a product to be delivered on a CC rating; and the item is not on hand or available on order, or

NOTE: Subdivision (xi) formerly subdivision (vii), redesignated Oct. 25, 1945.

(xi) Where for other reasons, failure to obtain delivery of the item would result in unreasonable and exceptional hardship.

(2) Special consideration will be given to the needs of small business.

(3) WPB will not grant a CC rating in cases where it would preempt an undue proportion of the limited amounts available. If a material is in such short supply that it is generally hard to obtain, WPB may provide other procedures rather than a rating under this regulation.

(4) In addition to the above, CC ratings may be granted for textile and related items for certain uses as provided in orders in the M-317 series and the M-328 series, and their schedules and directions.

NOTE: Paragraph (e), formerly paragraph (f), redesignated Oct. 25, 1945.

(e) *CC ratings for export—(1) In general.* In the case of materials for export (other than those textiles and related items referred to in paragraph (f) (2) below), applications from Canada will be handled on the same basis as United States applications. In the case of other exports, WPB will assign a CC rating to materials where it is demonstrated that a rating is necessary for procurement of materials in this country to prevent serious injury to the minimum essential civilian economies of friendly foreign nations or to obtain vitally needed supplies from foreign sources, or for other reasons of high public policy. Applications for such rating should be made to the Foreign Economic Administration on the forms prescribed by that agency.

(2) *Certain textiles and related items.* For exports, including shipments to Can-



ada, of cotton broad woven fabrics for which set-asides are provided in the distribution schedules of Order M-317A, seine twine, fish netting, and cotton yarn, CC ratings may be granted, on specific applications only, to the extent of the export programs fixed by the WPB. Applications for such rating should be made to the Foreign Economic Administration, on the forms prescribed by that agency; except that for shipments to Canada applications should be filed with the Cotton Administrator of the Wartime Prices and Trade Board and will be acted on by the WPB.

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19737; Filed, Oct. 25, 1945;  
11:17 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 1]

##### SPECIAL PROVISIONS FOR ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE PRODUCTION OF COAL

The following direction is issued pursuant to Priorities Regulation 28:

(a) The supply of coal in the area east of the Mississippi river is substantially less than present and anticipated requirements; and this shortage is so serious as to threaten the economy of the country during the reconversion period. Consequently, WPB will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulation 28 in accordance with the conditions of this direction when necessary to maintain or increase production of coal.

(b) *Producers of coal*—(1) *Capital equipment*. CC ratings may be assigned to producers of coal located in the area east of the Mississippi river for their purchase of capital equipment, other than coal mining machinery controlled by Order L-269, where the producer is unable to obtain delivery without a rating, and

(1) The equipment will result in a substantial increase in production, or

(1) The equipment is needed to replace present operating equipment which is in danger of imminent breakdown. CC ratings will not be assigned to the delivery of mining equipment controlled by Order L-269. The WPB will schedule machinery controlled by that order so as to obtain maximum production of coal.

(2) *Construction*. CC ratings may be assigned for materials required for construction at present mines east of the Mississippi river where the operator shows he cannot obtain delivery without a rating and the construction is necessary to prevent a loss in production or will result in increased production. CC ratings for other construction will be assigned under Priorities Regulation 28.

(3) *Maintenance, repair, and operating supplies*. CC ratings may be assigned for maintenance, repair, and operating supplies needed by operators where the operator demonstrates that he is unable to obtain the item without priorities assistance. However, CC ratings will be assigned for special repair parts for mining machinery controlled by Order L-269 only where the repair part is essential for the continued operation of the mine, and then only where it will not interfere with delivery of mining machinery for more essential purposes.

(c) *Manufacturers of mining machinery under L-269*—(1) *Production materials*. CC ratings may be assigned for production materials to manufacturers of mining machinery controlled by Order L-269 where the manufacturer demonstrates that he is unable without a rating to obtain delivery of the minimum amount at the latest date required to maintain production of mining machinery.

(2) *Capital equipment and MRO*. CC ratings for capital equipment and MRO for the machinery manufacturer will be assigned only as provided in Priorities Regulation 28.

(d) *Denials of CC ratings*. The CC rating will be denied where it appears that the item for which the CC rating is requested is available, but under different terms of sale or from a supplier other than the applicant's customary supplier.

(e) *PR-28 still applies*. In any case not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19738; Filed, Oct. 25, 1945;  
11:17 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 2]

##### SPECIAL PROVISIONS FOR ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE MANUFACTURE OF CLAY BUILDING PRODUCTS

The following direction is issued pursuant to Priorities Regulation 28:

(a) The supply of clay building products (brick (common and face), structural tile, and clay sewer pipe) is substantially less than present and anticipated requirements; and this shortage is so serious as to threaten the required expansion in construction. This shortage is therefore a serious threat to the economy of the country during the reconversion period. Consequently, WPB will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulation 28 in accordance with the conditions of this direction where necessary to maintain or expand the production of clay building products as provided in this direction.

(b) *Manufacturers of clay building products*—(1) *Capital equipment*. CC ratings may be assigned to manufacturers of clay building products (brick (common and face), structural tile and clay sewer pipe) for capital equipment other than "special machinery" where the manufacturer is unable to obtain delivery without a rating, and:

(1) The equipment will result in a substantial increase in production, or

(1) The equipment is needed to replace present operating equipment which is in danger of imminent breakdown. CC ratings may be assigned to the delivery of "special" machinery only under the provisions of Priorities Regulation 28.

(2) *Construction*. CC ratings may be assigned for materials which cannot be obtained without ratings, and where required for construction of new plants and expansion of existing plants. However, CC ratings will not be assigned for construction in areas where other clay product facilities are curtailed due to lack of labor unless the applicant can demonstrate that he will operate the new facility without increased manpower requirements. In other areas, CC ratings will be assigned for construction materials

only under the conditions of Priorities Regulation 28.

(3) *Production materials and MRO*. CC ratings may be assigned for production materials and MRO needed by clay product manufacturers where the manufacturer demonstrates that he is unable to obtain the item without priorities assistance, but regardless of whether the item is needed to maintain minimum economic production in the plant.

(c) *Manufacturers of "special" clay product machinery*—(1) *Production materials*. CC ratings may be assigned to manufacturers of "special" clay product machinery for production materials where the manufacturer of the clay product machinery demonstrates that he is unable to obtain delivery of the minimum amount at the latest date without a rating.

(2) *Capital equipment and MRO*. CC ratings for capital equipment and MRO for the machinery manufacturer will be assigned only as provided in Priorities Regulation 28.

(3) *Meaning of "special" clay product machinery*. Special clay product machinery as used in this paragraph and in paragraph (b) (1) means machinery and equipment of a general type designed solely for the production of clay products and useful only for that purpose (such as de-airing machines, extrusion heads, clay grinders and pulverizers and brick presses), but does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for the clay products manufacturer (e. g., an electric motor built by a motor manufacturer specially for a brick manufacturer).

(d) *Denials of CC ratings*. The CC rating will be denied where it appears that the item for which a CC rating will be used is available, but under different terms of sale or from a supplier other than the applicant's customary supplier.

(e) *PR-28 still applies*. In any case not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19739; Filed, Oct. 25, 1945;  
11:17 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 3]

##### SPECIAL PROVISIONS FOR ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE PRODUCTION OF STREPTOMYCIN

The following direction is issued pursuant to Priorities Regulation 28:

(a) *Production of streptomycin* is substantially below minimum requirements and the increased production of this drug for military and civilian use is important in the treatment of certain serious diseases. Consequently, WPB will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulation 28 in accordance with the conditions of this direction where necessary to expand the production of streptomycin.

(b) *Producers of streptomycin*—(1) *Capital equipment and construction*. Generally, approved construction projects for the production of streptomycin have been assigned MM preference ratings, consequently CC ratings will not be assigned.

(2) *Production materials and MRO*. CC ratings may be assigned for production ma-



terials and MRO needed by producers of streptomycin where the producer demonstrates that he is unable to obtain the item without priorities assistance.

(c) *Builders of streptomycin projects.* CC ratings will be assigned to persons engaged in building streptomycin plants for capital equipment and MRO required to complete the construction on time where the builder demonstrates that he is unable to obtain essential machinery, equipment or supplies without the use of ratings.

(d) *PR-28 still applies.* In any case, not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19740; Filed, Oct. 25, 1945;  
11:17 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 28, Direction 4]

##### SPECIAL PROVISIONS FOR ASSIGNMENT OF CC RATINGS IN ORDER TO INCREASE PRODUCTION OF MALLEABLE IRON CASTINGS AND GREY IRON CASTINGS, INCLUDING CAST IRON SOIL PIPE

The following direction is issued pursuant to Priorities Regulation 28:

(a) The supply of malleable iron castings and grey iron castings, including cast iron soil pipe, is substantially less than present and anticipated requirements; and this shortage is so serious as to threaten increased production of peacetime products. This shortage is therefore a serious threat to the economy of the country during the reconversion period. Consequently, WPB will assign CC ratings as provided in paragraph (d) (1) (iii) of Priorities Regulation 28 in accordance with the conditions of this direction where necessary to maintain or expand the production of malleable iron castings and grey iron castings, including cast iron soil pipe.

(b) *Producers of castings—*(1) *Capital equipment.* CC ratings may be assigned to producers of malleable iron castings and grey iron castings, including cast iron soil pipe for their purchase of capital equipment where the producer is unable to obtain delivery without a rating, and

(i) The equipment will result in a substantial increase in production, or

(ii) The equipment is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) *Construction.* CC ratings may be assigned for materials which cannot be obtained without ratings, and where required for construction of new foundries or expansion or modernization of existing foundries where increased production will result. However, CC ratings will not be assigned for construction in areas where other foundries in the same area are curtailed due to lack of labor, unless the applicant can demonstrate that he will operate the new facility without increase in labor requirements. In other cases, CC ratings will be assigned for construction materials only under the conditions of Priorities Regulation 28.

(3) *Production materials and MRO.* CC ratings may be assigned for production materials and MRO needed by foundries where the foundry demonstrates that it is unable to obtain the item without priorities assistance and regardless of whether the item is needed

to maintain minimum economic production in the foundry.

(d) *Denials of CC ratings.* The CC rating will be denied where it appears that the item for which a CC rating will be used is available, but under different terms of sale or from a supplier other than the applicant's customary supplier.

(e) *Definition.* The term "foundry" as used in this direction includes any producer of malleable iron castings or grey iron castings, including cast iron soil pipe.

(f) *PR 28 still applies.* In any case not covered by the above, CC ratings will be assigned only as provided in Priorities Regulation 28.

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19741; Filed, Oct. 25, 1945;  
11:18 a. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-884 Revocation]

##### PROCESS LITHOGRAPH CO.

Suspension Order No. S-884 was issued August 9, 1945, against Process Lithograph Company, 2863 East Grand Boulevard, Detroit, Michigan, for violations of Limitation Order L-241 and Conservation Order L-41. In view of the fact that Limitation Order L-241 and Conservation Order L-41 have been revoked, the Chief Compliance Commissioner has directed that Suspension Order No. S-884 be revoked forthwith.

In view of the foregoing, it is hereby ordered, that: § 1010.884 *Suspension Order No. S-884* be revoked, effective October 25, 1945.

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19742; Filed, Oct. 25, 1945;  
11:18 a. m.]

#### PART 1046—SUPPLIERS

[Limitation Order L-63, as Amended August 8, 1944, Amdt. 1]

Section 1046.1 *Suppliers' Inventory Limitation Order L-63* is amended in the following respect:

Add a new Item (12) to List A as follows:

(12)

Electric mangles  
Electric water heaters  
Radio receiving sets  
Phonographs  
Radio and phonograph combinations  
Ranges—gas and electric  
Sewing machines  
Vacuum cleaners  
Washing machines

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19734; Filed, Oct. 25, 1945;  
11:17 a. m.]

#### PART 3118—CONSUMERS' GOODS INVENTORIES

[Limitation Order L-219, Direction 1]

##### EXCLUSION OF CERTAIN ITEMS

The following direction is issued pursuant to Limitation Order L-219:

Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may exclude from his current computations under Order L-219, if he does so consistently, his current receipts, sales and inventories of the following consumers' goods:

Electric mangles  
Electric water heaters  
Mechanical refrigerators  
Radio receiving sets  
Phonographs  
Radio and phonograph combinations  
Ranges—gas and electric  
Sewing machines  
Vacuum cleaners  
Washing machines

Issued this 25th day of October 1945.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 45-19735; Filed, Oct. 25, 1945;  
11:17 a. m.]

#### Chapter XI—Office of Price Administration

##### PART 1305—ADMINISTRATION

[SO 129, Amdt. 4]

##### EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

A new section is added to Article II to read as follows:

SEC. 16. *Rubber, chemicals and drugs—*(a) *Chemicals and drugs.* Car-nauba wax, ouricury wax, candelilla wax and beeswax, and the refined and bleached varieties of any of the foregoing. (Sales of these commodities have heretofore been subject to Revised Maximum Price Regulation 264 which has also been suspended).

This amendment shall become effective October 24, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

Approved: October 23, 1945.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 45-19712; Filed, Oct. 24, 1945;  
4:41 p. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Rev. RO 1C, Amdt. 5]

##### TIRE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale accompanying this amendment, issued simultaneously herewith,

19 F. R. 5156.



has been filed with the Division of the Federal Register.

Revised Ration Order 1C is amended in the following respects:

1. Sections 4.1 (c) and (g) and 7.1 (1) are revoked.
2. Section 5.11 (c) is amended to read as follows:

(c) If the foregoing requirements have been fulfilled, the dealer to whom the certificate has been surrendered may deliver to the certificate holder, or his agent, the number of tires described thereon, except that a new passenger-type tire of any size suitable for use on the vehicle or equipment for which the certificate was issued may be delivered in exchange for a new passenger-type tire certificate.

This amendment shall become effective October 15, 1945.

Issued this 25th day of October 1945.

JACOB A. ROBLES,  
Territorial Director, Virgin Islands.

Approved:

JAMES P. DAVIS,  
Regional Administrator,  
Region IX.

[F. R. Doc. 45-19749; Filed, Oct. 25, 1945;  
11:43 a. m.]

PART 1315—RUBBER AND PRODUCTS AND  
MATERIALS OF WHICH RUBBER IS A COM-  
PONENT

[MPR 220, Amdt. 24]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 220 is amended in the following respects:

1. A new section designated § 1315.1557g is added to read as follows:

§ 1315.1557g *Maximum manufacturers' prices for cements*—(a) *Applicability of this section.* (1) This section and not §§ 1315.1553 to 1315.1557, inclusive, establishes maximum prices for sales by manufacturers of cements and adhesives made in whole or in part of rubber, synthetic rubber, or substitute rubber and pyroxylin base cements and adhesives. This regulation does not apply to tire and tube repair cements or to cements and adhesives made of vegetable and animal material other than natural rubber, synthetic rubber or substitute rubber, such as starch, casein, and glue.

(2) The maximum prices for all cements and adhesives covered by this section which were established prior to October 30, 1945, by this regulation or any other regulation or by any order of the Office of Price Administration (except those previously priced by order of the Office of Price Administration under § 1315.1558 of this regulation) shall be re-established in accordance with paragraph (c) and thereafter redetermined in accordance with paragraph (d) of this § 1315.1557g, or in accordance with paragraph (g) if their maximum prices cannot be re-established under paragraphs (c) and (d).

(b) *Maximum prices.* The maximum price for a sale by a manufacturer of a cement or adhesive covered by this section (except the first \$50.00 of sales of a new commodity covered by this section which is made experimentally in a laboratory and not by ordinary production methods) shall be the sum total of direct labor and materials costs, waste and gross margin, computed in accordance with paragraph (c).

(c) *Computation of the maximum price*—(1) *Direct labor costs.* Direct labor costs shall be those labor costs which were treated as such in the manufacturer's accounting system in effect on March 1, 1942, and shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the commodity being priced by the highest wage rate in effect in the manufacturer's plant during March 1942 for that type of labor. If the manufacturer did not employ a given class of labor during March 1942, he shall use the wage rate paid during March 1942 by the nearest employer operating under comparable conditions who employed that class of labor during that period.

(2) *Direct materials costs.* Direct materials costs shall be those materials costs which were treated as such in the manufacturer's accounting system in effect on March 1, 1942, and shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the commodity being priced by the following material prices:

(i) For synthetic rubber, the manufacturer shall use the net price, not to exceed the maximum price, for the material in effect to him on the date on which he calculates his maximum price, or the price which was in effect to him on August 1, 1943, whichever is lower.

(ii) For all other materials, the manufacturer shall use the highest net materials prices in effect to him, or, if no price was in effect to him, the highest net materials price in effect to a purchaser of the same class as the manufacturer, during March 1942, or the current price, whichever is lower.

(iii) If there was no March 1942 price of any such material, the materials cost to be used in determining the maximum price shall be the first ascertainable net price (not exceeding the maximum price) in effect to the manufacturer after March 31, 1942, or the current price, whichever is lower.

(3) *Waste.* Waste costs shall be determined by applying the same methods as were used by the manufacturer in similar production in March 1942 adjusted to reflect the estimated quantity of waste in the production of the cement or adhesive being priced.

(4) *Gross margin.* Gross margin, other than waste, shall be calculated by the methods and rates used by the manufacturer on March 1, 1942, for his sales of the type of cement or adhesive being priced. These methods and rates shall be filed with the Office of Price Administration in accordance with the provisions of paragraph (f) of this section.

(d) *Recomputation of the maximum price.* If a cement or adhesive priced under paragraph (c) is produced or supplied by the manufacturer for a period of two months after being priced, its maximum price shall be redetermined by substituting actual labor hours and actual quantity of materials for the estimated hours and estimated quantity of materials used in the original computation of the maximum price. This redetermination of the maximum price shall be made between sixty and seventy-five days after the manufacturer begins production of the commodity which he has priced under paragraph (c). If the manufacturer's production experience during the first two months of production is inadequate to determine his costs accurately, he may request and receive approval from the Office of Price Administration, Washington, D. C., for a further period for recomputation. This request must be made at the time set forth above for the first recomputation.

(e) *Maximum price for the first \$50.00 of sales of a commodity made in the laboratory.* Notwithstanding any other provision of this section the manufacturer's maximum price for the first \$50.00 of sales of a new commodity covered by this section which is made experimentally in a laboratory and not by ordinary production methods shall be any price therefor agreed upon by the manufacturer and the purchaser. Paragraphs (b), (c), and (d) shall apply to all sales in excess of the first \$50.00 of sales.

(f) *Reports.* On or before November 30, 1945, every manufacturer subject to the provisions of this section shall file with the Office of Price Administration, Washington, D. C.:

(1) The price determining methods and rates in effect in each of his plants on March 1, 1942, for the determination of gross margin on cements.

(2) All cash, trade and quantity discounts, freight allowances and all other discounts and allowances and differentials in effect in each of his plants on March 1, 1942, for sales of the commodities priced by this section to each class of purchaser.

(g) *Cements which cannot be priced under paragraphs (b) and (c).* A manufacturer's maximum price for cements and adhesives covered by this section which cannot be established under paragraphs (b) and (c) or under paragraph (e) of this section, shall be determined in accordance with the provisions of § 1315.1558.

2. A new section designated § 1315.1559b is added to read as follows:

§ 1315.1559b *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and



his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

3. Section 1315.1567 is amended in the following respects:

a. A new paragraph designated (b) is added to read as follows:

(b) The following items when made of sheet rubber or sheeted resin: (1) baby pants, (2) crib sheets, (3) diaper covers, (4) hospital sheeting.

b. Paragraph (c) is amended to read as follows:

(c) Cements and adhesives made in whole or in part of rubber, synthetic rubber, or substitute rubber, and pyroxylin base cements and adhesives. Tire and tube repair cements, and cements and adhesives made of vegetable and animal material other than natural rubber, synthetic rubber or substitute rubber such as starch, casein and glue are not covered by the regulation.

This amendment shall become effective October 30, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19753; Filed, Oct. 25, 1945;  
11:41 a. m.]

#### PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 528, Amdt. 4]

##### TIRES AND TUBES, RECAPPING AND REPAIRING, AND CERTAIN REPAIR MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 528 is amended in the following respects:

1. The introductory paragraph of section 17 (a) (2) is amended to read as follows:

(2) *Basic tire carcasses.* A basic tire carcass is a regrooved or remolded tire or a tire whose tread design has been worn down to the point where it meets the conditions in (i) and (ii) below. A regrooved tire is one into the worn tread of which a new non-skid pattern has been cut or the old non-skid pattern cut deeper. A remolded tire is one into the worn tread of which a new non-skid pattern has been impressed or the old non-skid pattern made deeper by means other than regrooving and without the application of additional camelback.

2. The introductory paragraph of section 17 (b) (6) is amended to read as follows:

No. 211—2

(6) *Used tires not usable on the wheel of a vehicle.* A tire with any one of the following injuries or wear conditions shall be considered unfit for use on the wheel of a vehicle and not as a limited service tire:

This amendment shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19757; Filed, Oct. 25, 1945;  
11:43 a. m.]

#### PART 1340—FUEL

[RMPR 122, Amdt. 37]

##### SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 122 is amended in the following respect:

Section 1340.254 (b) is amended by adding thereto the following undesignated paragraph:

Any Regional Administrator of the Office of Price Administration may delegate to any appropriate District director, in whole or in part, the duties, functions, powers, and authority to make the price determinations conferred upon the Regional Administrator by this Rule 4. In such a case, the dealer using this Rule 4 shall meet the same requirements as set forth herein, except that the District director shall act in the place of the Regional Administrator.

This amendment shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19751; Filed, Oct. 25, 1945;  
11:41 a. m.]

#### PART 1346—BUILDING MATERIALS

[MPR 591, Amdt. 1]

##### SPECIFIED MECHANICAL BUILDING MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 591 is amended in the following respects:

1. Section 12 (a) is amended to read as follows:

(a) *When may maximum prices be revised.* A maximum price established originally in accordance with the provisions of § 1499.154 of Maximum Price Regulation 188 and Sections therein referred to or in accordance with the first, second or third pricing methods (sections 7, 8 or 9) of this regulation may at any time be revised by order (not to apply retroactively):

(1) To make it consistent with the level of maximum prices otherwise established by this regulation.

(2) To reflect savings in indirect costs realized by the manufacturer because of the introduction of the commodity so priced.

2. A new section 16 (b) (2) (iii) is added to read as follows:

(iii) Notwithstanding the provisions of (i) and (ii), where his over-all operations have been conducted at a loss during his most recent representative accounting period or, where, due to the occurrence of a substantial and continuing change in some element affecting costs and profits, a projection of his operations clearly shows that he will be immediately operating his over-all business at a loss. Considerations will not be given, however, to losses due to temporary or nonrecurring factors, inadequate plant utilization, illegal wage payments, excessive overhead, selling and other general costs, and other unusual factors.

3. Section 16 (c) (6) is redesignated section 16 (c) (7), and the reference therein to "subparagraphs (1) to (5)" is changed to "subparagraphs (1) to (6)".

4. A new section 16 (c) (6) is added to read as follows:

(6) Any adjustment granted the manufacturer under paragraph (b) (2) (iii) above, shall not exceed an amount sufficient to make the adjusted price equal to total cost for the commodity or line.

This amendment shall become effective October 25, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19759; Filed, Oct. 25, 1945;  
11:43 a. m.]

#### PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 20]

##### MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

1. Appendix A of Revised Maximum Price Regulation 136 is amended by adding the following commodities and applicable base dates in appropriate alphabetical sequence:

Abrasive products, including coated and bonded, and natural stone, March 31, 1942.

Diamond tools, core bits, dies .002" and larger, dressing tools, shaped tools, wheels, etc., March 31, 1942.

Logging and lumbering machinery and equipment, October 1, 1941.

Winches and windlasses, power operated, October 1, 1941.

2. The item "wheels, buffing and polishing (except those covered by MPR 316 (coated and bonded abrasive products))" is revised and amended to read as follows:

Wheels, buffing and polishing.



This amendment shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19752; Filed, Oct. 25, 1945;  
11:41 a. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3, Amdt. 1 to Zoning Order 2]

##### SUGAR

Pursuant to section 13.1 of Second Revised Ration Order 3, Zones 4 and 8A of Zoning Order No. 2, § 1407.282, are amended to read as follows:

Zone 4 shall include the State of Maryland; Barbour, Berkeley, Braxton, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt and Wood Counties in the State of West Virginia; and that part of the State of North Carolina which is not included in zone 6 or zone 8A; and that part of the State of Virginia not included in zone 8A; and the District of Columbia.

Zone 8A shall include that part of the State of West Virginia not located in zones 4 and 5; Bartow, Catoosa, Chattooga, Cherokee, Dade, Dawson, Fannin, Floyd, Gilmer, Gordon, Habersham, Lumpkin, Murray, Pickens, Polk, Rabun, Towns, Union, Walker, White and Whitfield Counties in the State of Georgia; Bath, Bell, Boyd, Breathitt, Carter, Clay, Elliott, Estill, Fleming, Floyd, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Rowan, Whitley and Wolfe Counties in the State of Kentucky; Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Wilkes and Yancey Counties in the State of North Carolina; Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier, Sullivan, Unicoi, Union and Washington Counties in the State of Tennessee; Bland, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, and the independent City of Bristol in the State of Virginia.

This amendment shall become effective October 24, 1945.

Issued this 24th day of October 1945.

JAMES E. KELLEY,  
Director,  
Food Rationing Division.

[F. R. Doc. 45-19709; Filed, Oct. 24, 1945;  
4:42 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16, Amdt. 83]

##### MEAT, FATS, FISH AND CHEESES

A rationale accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised Ration Order 16 is amended in the following respects:

Section 27.1 is amended in the following respects:

1. The definition of "canned milk" is amended to read as follows:

"Canned milk" means "concentrated milk" packed in hermetically sealed containers. On and after October 26, 1945, canned milk shall not be a rationed food.

2. The definition of "foods covered by this order" is amended to read as follows:

"Foods covered by this order" (or "foods" where the context indicates) means "meat", "canned fish", "rationed fats or oils". It does not include any item which is a pharmaceutical product, and no such item is included in any of the above terms even if it comes within the definition of that term.

3. The definition of "rationed cheeses" is amended to read as follows:

"Rationed cheeses" means all cheeses of any kind, variety or description which contain more than 5 percent butterfat, by weight (but not including "cottage cheese," "whey products," or any cheeses in the manufacture of which neither cow's milk nor milk solids derived from cow's milk are used) and any other edible product containing 30 percent or more by weight of such cheeses. On and after October 26, 1945, cheeses shall not be rationed foods.

This amendment shall become effective October 26, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19750; Filed, Oct. 25, 1945;  
11:41 a. m.]

#### PART 1415—PROTECTIVE COATINGS

[RMFR 264, Suspension]

##### VEGETABLE WAXES AND BEESWAX

A statement of the considerations involved in the issuance of this order of suspension, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 264 and all orders issued thereunder are hereby suspended.

This order shall become effective October 24, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

Approved: October 23, 1945.

CLINTON P. ANDERSON,  
Secretary of Agriculture.  
[F. R. Doc. 45-19710; Filed, Oct. 24, 1945;  
4:41 p. m.]

<sup>1</sup> 8 F.R. 6731.

#### PART 1418—TERRITORIES AND POSSESSIONS

[RMFR 373, Amdt. 43]

##### FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 of Revised Maximum Price Regulation 373 is amended as follows:

1. Subparagraph (c) (2) is amended by adding four new items and by changing the prices of three items as follows:

	Wholesale maximum price	Retail maximum price
Carrots.....	\$3.40 per crate.....	Per lb. \$0.09
Garlic.....	\$0.31 per lb. net weight.....	.45
Onions, dry.....	\$2.80 per 50-lb. bag.....	.09
Potatoes, sweet, and yams.....	\$4.50 per crate.....	.14
Potatoes, white, size A, large.....	\$4.65 per 100-lb. bag.....	.63½
Squash, banana.....	\$7.15 per crate.....	.12½
Tomatoes.....	\$3.45 per lug.....	.17

2. Subparagraph (d) (2) is amended by changing the prices of five items as follows:

	Wholesale maximum price	Retail maximum price
Apples.....	\$4.95 per box.....	Per lb. \$0.19
Lemons, all sizes.....	\$7.65 per box.....	.13½
Melons, honeydew.....	\$3.75 per crate.....	.14
Oranges:		
252's and larger.....	\$6.05 per box.....	.12
288's.....	\$5.90 per box.....	.10½
344's.....	\$4.65 per box.....	.08
Pears.....	\$7.75 per lug.....	.24

This amendment shall become effective as of September 25, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19755; Filed, Oct. 25, 1945;  
11:42 a. m.]

#### PART 1418—TERRITORIES AND POSSESSIONS

[RMFR 373, Amdt. 44]

##### FRUITS AND VEGETABLES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 21 of Revised Maximum Price Regulation is amended as follows:

1. Subparagraph (c) (2) is amended by changing the prices of six items as follows:

<sup>1</sup> 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9928, 10085, 10086, 10086, 10125, 10086, 10229, 10437, 11399, 11666, 11753, 12086, 12087, 12087.



	Wholesale maximum price	Retail maximum price
Carrots.....	\$2.50 per crate.....	Per lb. \$0.08
Garlic.....	\$0.33 per lb. net weight.....	.46
Onions, dry.....	\$2.90 per 50-lb. bag.....	.08
Potatoes, sweet, and yams.....	\$4.70 per crate.....	.14½
Squash, banana.....	\$7.50 per crate.....	.13
Tomatoes.....	\$3.80 per lug.....	.19

2. Subparagraph (d) (2) is amended by changing the prices of four items as follows:

	Wholesale maximum price	Retail maximum price
Apples.....	\$5.25 per box.....	Per lb. \$0.17½
Lemons, all sizes.....	\$7.90 per box.....	.15
Melons, honeydew.....	\$3.90 per crate.....	.13½
Oranges:		
252's and larger.....	\$6.35 per box.....	.12
288's.....	\$5.70 per box.....	.10½
344's.....	\$4.60 per box.....	.08

This amendment shall become effective as of October 2, 1945.

Issued this 25th day of October, 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19756; Filed, Oct. 25, 1945; 11:42 a. m.]

#### PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 559,<sup>1</sup> Amdt. 3]

##### EASTERN POLES AND PILING

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 559 is amended in the following respects:

1. In section 2 (d) *Definitions*, subparagraph (3) is redesignated subparagraph (4) and a new subparagraph (3) is inserted to read:

(3) The term "stabilization poles and piling" means any round peeled or unpeeled section of a tree of any species, which is shorter than 14 ft. and is not to be used as fence posts.

2. Note 3 applying to Tables 1, 2, 3, 4, 5 and 6 in section 14 is amended to read as follows:

3. Orders calling for a specific quantity of any length are specified single length orders for that quantity, and an addition of \$0.02 per lin. ft. may be made on shipments against such orders.

On all orders for specified length groups, the average of a specified length group (for example, 20' to 30') shipped against the order may not deviate from the average of the length ordered (25') more than 25 percent of the length spread in the group ordered (25 percent of a 10' spread is 2½'). In the example given, the average shipped must be between 22½ ft. and 27½ ft. long.

(a) For specified length groups of one diameter size and 20 ft. or more spread in length: No addition.

(b) For specified length groups of one diameter size and over 10 ft. but less than 20 ft. spread in length: Add \$0.005 per lin. ft.

(c) For specified length groups of one diameter size and over 5 ft. but less than 11 ft. spread in length: For example, 48 ft. to 53 ft.—Add \$0.01 per lin. ft.

(d) For specified length groups of one diameter size and not over 5 ft. spread in length: For example, 64', 65', 66', 67', 68'—Add \$0.015 per lin. ft.

(e) On all orders for specified length groups where the average of the lengths actually shipped deviates from the average of the group ordered by more than 25 percent of the difference between the shortest and longest lengths in the group ordered: No addition.

For random length orders, where the purchaser specifies restricted loading, and the seller loads in length groups (b), (c) or (d) above, the seller may add two-thirds of the proper specified length group addition.

3. A new section 15 is added to read as follows:

SEC. 15. *Addition for less than carload quantity sales.* (a) On sales by concentration yards, treating plant yards and distribution yards out of regular yard stock in less than carload quantities as established by railroad tariffs, where the invoice value at the maximum prices for the untreated poles or other round materials does not exceed \$175.00 on items 50 ft. and shorter, or \$250.00 where 50 percent of the items are more than 50 ft. in length, the seller may add to the maximum prices set by this regulation a service charge of not more than 25 percent of the total invoice value of the untreated or non-pressure preservative treated material. This percentage addition may be made only to the maximum price of the item sold, including any non-pressure and framing additions. No percentage addition may be made to the permissible transportation charges, which must not exceed those permitted in section 4 for transportation from the point of origin to the concentration, distribution or treating yard from which the sale is made. The percentage addition may be made only on sales f. o. b. seller's yard, with outbound transportation for the buyer's account.

(b) The percentage addition provided in the preceding paragraph for less than carload sales may not be applied where the material is to be resold as a pressure treated product under the provisions of Maximum Price Regulation 491.

4. Items (5) and (6), reading as follows, are added to paragraph (b) in section 11:

(5) Making the less than carload quantity sales additions when the sale is by a producer who does not operate a yard, or when the sale is not made out of stock which has been handled through a concentration, treating plant, or distribution yard in the regular course of business.

(6) Splitting up a single transaction or order into a series of smaller transactions or orders, where the total quantity involved exceeds in price the maximum prices set forth in section 15, in order to receive the benefit of the less than carload quantity sales addition provided in that section.

This amendment shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19758; Filed, Oct. 25, 1945; 11:43 a. m.]

#### PART 1438—NON-METALLIC MINERALS

[MPR 316, Revocation]

##### COATED AND BONDED ABRASIVE PRODUCTS

The Statement of Considerations involved in the issuance of this order of revocation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 316 is hereby revoked, subject to the provisions of Supplementary Order 40.<sup>1</sup>

This order of revocation shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19754; Filed, Oct. 25, 1945; 11:42 a. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,<sup>2</sup> Amdt. 151]

##### FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix K, Table 2, Maximum Prices for Juice Grapes grown in California and Table Grapes grown in California and Arizona, footnote reference 6 is added to Item 2 in Column 5 and footnote 6 is added to read as follows:

<sup>6</sup> On and after October 25, 1945, the Column 5 price per pound for juice grapes of the 1945 crop grown in California and packed in any containers (item 2) shall be 6.5¢.

This amendment shall become effective at 12:01 a. m. October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19711; Filed, Oct. 24, 1945; 4:42 p. m.]

#### PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 2, Amdt. 7]

##### FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

<sup>1</sup> 8 F.R. 4325.

<sup>2</sup> 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8239, 8467, 8611, 8657, 8905, 8936, 9023, 9023, 9023, 9118, 9119, 9277, 9447, 9628, 9928, 10025, 10229, 10311, 10303, 11072, 12213, 12084, 12408, 12447, 12532, 12367, 12702.

<sup>1</sup> 9 F.R. 11706, 12596, 14853.



Section 18 (e) (3) of Restaurant Maximum Price Regulation No. 2 is amended to read as follows:

(3) Its members are elected to membership by a governing board, membership committee or other body;

This amendment shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19760; Filed, Oct. 25, 1945;  
11:41 a. m.]

#### Chapter XVIII—Office of Stabilization Administrator, Office of War Mobiliza- tion and Reconversion

[Directive 70, Amdt. 1]

#### PART 4003—SUPPORT PRICES; SUBSIDIES 1945 SHEEP AND LAMB SUBSIDY PROGRAM

Pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Orders 9250, 9328, 9599 and 9620; *It is hereby ordered:*

Office of Economic Stabilization Directive 70 is hereby amended as follows:

Section 1 is hereby redesignated "section 1 (a)" and a new section 1 (b) is added thereafter to read as follows:

(b) The Secretary of Agriculture is hereby authorized and directed through the Commodity Credit Corporation, to make a subsidy payment of 95 cents per hundredweight on sheep and lambs slaughtered prior to midnight August 8, 1945, in instances in which the slaughterers would have been eligible for such a subsidy payment from Reconstruction Finance Corporation save for the fact that the sheep and lambs were not slaughtered by midnight August 4, 1945.

(E.O. 9250, E.O. 9328, 3 CFR Cum. Supp.; E.O. 9599, 10 F.R. 10155; and E.O. 9620, 10 F.R. 12033)

Issued and effective this 19th day of October 1945.

J. C. COLLET,  
Stabilization Administrator.

[F. R. Doc. 45-18697; Filed, Oct. 24, 1945;  
12:40 p. m.]

#### Chapter XXIII—Surplus Property Administration

[SPB Reg. 1, Amdt. 3]

#### PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORT- ING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Surplus Property Board Regulation 1, April 2, 1945, as amended to August 17, 1945, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located Within the Continental United States, Its Territories and Possessions" (10 F.R. 3764, 4356, 10398), and Order 1, April 2, 1945, as

amended to April 17, 1945 (10 F.R. 3767, 4356), Order 2, April 2, 1945, as amended to September 7, 1945 (10 F.R. 3769, 4356, 11671), Order 5, July 31, 1945 (10 F.R. 9718), and Order 6, August 31, 1945 (10 F.R. 11364), are hereby amended by substituting the term "Reconstruction Finance Corporation" for the term "Department of Commerce" wherever it appears.

This amendment shall become effective November 5, 1945.

NOTE: This amendment has been approved in writing by the Secretary of Agriculture as successor to the War Food Administrator, as required by the Surplus Property Act of 1944.

W. STUART SYMINGTON,  
Administrator.

OCTOBER 19, 1945.

[F. R. Doc. 45-19731; Filed, Oct. 25, 1945;  
11:11 a. m.]

#### TITLE 46—SHIPPING

#### Chapter I—Coast Guard: Inspection and Navigation

##### AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4488, and 4551, as amended, Act of July 5, 1884, as amended, Act of March 15, 1915, as amended (46 U. S. C. 375, 391a, 481, 643, 2, 672), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the Inspection and Navigation regulations are prescribed, to become effective 1 November, 1945.

##### Subchapter D—Tank Vessels

#### PART 36—LICENSED OFFICERS AND CERTI- FICATED MEN

##### CERTIFICATED MEN

Section 36.2-1 *Able seamen—TB/OCLE* is amended by striking out the words "and shall be green in color", the words "and shall be blue in color", the words "and be blue in color", the word "(blue)", and the word "(green)", wherever they appear.

Paragraph (d) of § 36.2-3 *Certificated tankerman—TB/ALL* is amended by striking out the second sentence and inserting in lieu thereof the following sentence: "Every certificate as Tankerman issued after November 1, 1945, shall be in the form of a merchant mariner's document, Form 2838, endorsed with the rating of Tankerman and the kinds or grades of liquid cargo the holder is qualified to handle. A merchant mariner's document endorsed as Tankerman shall be a certificate as Tankerman."

##### Subchapter G—Ocean and Coastwise General Rules and Regulations

#### PART 62—LICENSED OFFICERS AND CERTI- FICATED MEN

Section 62.63 *Examination of able seamen* is amended by striking out the words "and shall be green in color", the words "and shall be blue in color", the words "and be blue in color", the word "(blue)", and the word "(green)" wherever they appear.

##### Subchapter H—Great Lakes: General Rules and Regulations

#### PART 78—LICENSED OFFICERS AND CERTI- FICATED MEN

Section 78.54b *Examination of able seamen* is amended by striking out the words "and shall be green in color", the words "and shall be blue in color", the words "and be blue in color", the word "(blue)", and the word "(green)", wherever they appear.

##### Subchapter I—Bays, Sounds and Lakes Other Than The Great Lakes: General Rules and Regu- lations.

#### PART 96—LICENSED OFFICERS AND CERTI- FICATED MEN

Section 96.55 *Examination of able seamen* is amended by striking out the words "and shall be green in color", the words "and shall be blue in color", the words "and be blue in color", the word "(blue)", and the word "(green)", wherever they appear.

##### Subchapter K—Seamen

#### PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINU- OUS DISCHARGE BOOKS

Paragraphs (a), (d) and (e) of § 138.1 are amended to read as follows:

§ 138.1 *General provisions.* (a) An applicant for a certificate of service, certificate of efficiency, certificate of identification, or continuous discharge book, shall make written application, in duplicate, on Form 719-b, furnished by the Coast Guard. The placing of fingerprints on the application shall be optional with the seaman. This application may be for as many certificates or ratings as the seaman believes he is qualified. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a certificate of identification, at the option of the applicant. Every certificate of service, certificate of efficiency, and certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Form 2838. A merchant mariner's document shall be a certificate of service authorizing the holder to serve in any rating endorsed thereon or in any lower rating in the same department or in any rating covered by a general endorsement thereon. A merchant mariner's document endorsed as Able Seaman or as Lifeboatman shall be a certificate of efficiency as Lifeboatman. Every merchant mariner's document shall be a certificate of identification unless the holder also holds a continuous discharge book. The holder of a certificate of identification in the form issued before November 1, 1945, shall surrender that certificate before he is issued a merchant mariner's document.

(d) When the application is submitted for a certificate of identification, certificate of service, certificate of efficiency, or any combination thereof, or a continuous discharge book, the seaman shall furnish three unmounted dull finish pho-



tographs of passport type (2 inches by 1½ inches) taken within one year and showing the full face at least one inch in height with head uncovered.

(e) When the application requests a continuous discharge book in addition to a certificate of service or certificate of efficiency one additional photograph shall be furnished.

Section 138.3 *Able seaman* is amended by striking out the words "and shall be green in color", the words "and shall be blue in color", the words "and be blue in color", the word "(blue)", and the word "(green)", wherever they appear.

Paragraph (e) of § 138.5 *Qualified member of the engine department* is amended by striking out the words "upon qualifying therefor, have endorsement made on the back of his certificate covering such certification", and inserting in lieu thereof the words "qualify therefor", and by striking out the words "for such indorsement" in the second sentence.

Paragraphs (a) and (c) of § 138.6 are amended to read as follows:

§ 138.6 *Certificates of service for ratings other than able seaman or qualified member of the engine department.* (a) Certificates of service shall be issued to applicants for ratings other than able seamen or qualified member of the engine department and the holders thereof may serve in the capacities authorized by appropriate endorsement thereon.

(c) No examination will be required for such certificates of service, but none shall be endorsed to authorize the handling of food unless the applicant produces a certificate from a physician of the United States Public Health Service, or reputable physician acceptable to the Coast Guard, stating that he is free from communicable disease.

Section 138.6 is further amended by striking out paragraph (f) and designating paragraph (g) as paragraph (f).

Paragraph (d) of § 138.7 *Tankerman* is amended by striking out the second sentence and inserting in lieu thereof the following sentence: "Every certificate as Tankerman issued after November 1, 1945, shall be in the form of a merchant mariner's document, Form 2838, endorsed with the rating of Tankerman and the kinds or grades of liquid cargo the holder is qualified to handle. A merchant mariner's document endorsed as Tankerman shall be a certificate as Tankerman."

Paragraph (b) of § 138.8 *Rules for preparation and issuance of certificates of service and efficiency* is amended by striking out the words "of each" before "certificate".

Section 138.11 *Duplicates; procedure for obtaining* is amended by substituting the word "reissue" for the word "duplicate" and the word "reissues" for the word "duplicates" wherever they appear.

Dated: October 25, 1945.

L. T. CHALKER,  
Rear Admiral, U. S. C. G.,  
Acting Commandant.

[F. R. Doc. 45-19721; Filed, Oct. 25, 1945;  
10:19 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

[Order SFA T-9]

ESTER AND EFFIE CROLEY ET AL.

#### TERMINATION OF POSSESSION OF BITUMINOUS COAL MINES

In accordance with the provisions of Executive Order No. 9536 (10 F.R. 3939) and the War Labor Disputes Act (57 Stat. 163), I find that the possession by the Government of the coal mines now in the possession of the Government pursuant to Order No. 2051 (10 F.R. 5380) should be terminated.

Accordingly, I order and direct that possession by the Government of the coal mines listed in Appendix A of this order, including any and all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and it is hereby terminated, and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Solid Fuels Administration for War and reading as follows:

#### NOTICE

Government possession of this coal mine, and of all property and assets used in connection with the operation thereof, has been terminated by order of the Secretary of the Interior.

Nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession, for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9536, pursuant to which Government possession was taken, may be concluded in an orderly manner.

The issuance of this order has been approved by the Acting Stabilization Administrator of the Office of War Mobilization and Reconversion in accordance with the provisions of Executive Order No. 9603 (10 F.R. 10960) and Executive Order No. 9620 (10 F.R. 12033).

HAROLD L. IKES,  
Secretary of the Interior.

OCTOBER 23, 1945.

#### APPENDIX A

Name and Address of Company, Name of Mine and Location or P. O. Address of Mine

Ester and Effie Croley, Gatliff, Ky.; Mammoth Blue Gem; Mammoth, Ky.  
Gatliff Coal Co., Williamsburg, Ky.; Blue Gem; Gatliff, Ky.  
Jellico Coal Mining Co., Mount Ash, Ky.; Mount Ash; Mount Ash, Ky.

[F. R. Doc. 45-19771; Filed, Oct. 25, 1945;  
11:49 a. m.]

National Park Service.

[D. C. Sign Order 2]

#### SIGNS IN DISTRICT OF COLUMBIA PARK AREAS

OFFICIAL ADOPTION AND DESIGNATION

OCTOBER 23, 1945.

Pursuant to the National Capital Parks Regulations (36 CFR 3.4 (f), (3.33) issued by the Secretary of the Interior, effective September 15, 1945, Sign Order No. 1, dated September 10, 1945 (10 F. R. 11817), is hereby amended and supplemented as follows:

*Rock Creek and Potomac Parkway:* Substitute attached pages 2, 3 and 4<sup>1</sup> in lieu of pages 2, 3, and 4 attached to Sign Order No. 1.

*West Potomac Park:* Substitute attached pages 5 and 7<sup>1</sup> in lieu of pages 5 and 7 attached to Sign Order No. 1.

*Monument Grounds:* Substitute attached page 3<sup>1</sup> in lieu of page 3 attached to Sign Order No. 1.

The signs contained and described on the attached lists are hereby adopted and designated as official signs.

This order shall become effective as of October 26, 1945.

IRVING C. ROOT,  
Superintendent.

[F. R. Doc. 45-19722; Filed, Oct. 25, 1945;  
10:52 a. m.]

[Virginia Sign Order 2]

#### SIGNS IN VIRGINIA PARK AREAS

OFFICIAL ADOPTION AND DESIGNATION

OCTOBER 23, 1945.

Pursuant to the National Capital Parks Regulations (36 CFR 3.4 (f), (3.33) issued by the Secretary of the Interior, effective September 15, 1945, Sign Order No. 1, dated September 10, 1945 (10 F.R. 11816), is hereby amended and supplemented as follows:

*Mount Vernon Memorial Highway:* Substitute attached page 4<sup>1</sup> in lieu of page 4 attached to Sign Order No. 1.

The signs contained and described on the attached list are hereby adopted and designated as official signs.

This order shall become effective as of October 26, 1945.

IRVING C. ROOT,  
Superintendent.

[F. R. Doc. 45-19723; Filed, Oct. 25, 1945;  
10:52 a. m.]

### DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

COLUMBUS, OHIO, MARKETING AREA

#### NOTICE OF PROPOSED MARKETING AGREEMENT ON HANDLING OF MILK

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement and to a

<sup>1</sup> Filed as part of the original document.



proposed order regulating the handling of milk in the Columbus, Ohio, marketing area.

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F.R. 11791), notice is hereby given of the filing with the hearing clerk of the report of the Assistant Administrator for Regulatory and Marketing Service Matters, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Columbus, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 1331, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The public hearing, on the record of which the proposed marketing agreement and the proposed order were formulated, was initiated by the Office of Marketing Services, War Food Administration (now Production and Marketing Administration, United States Department of Agriculture), following receipt of a petition filed by The Central Ohio Cooperative Milk Producers, Inc., and was held at Columbus, Ohio, January 23-30, 1945, following an original notice of hearing dated November 13, 1944, a postponement notice dated December 5, 1944, and an amended notice dated January 19, 1945. A notice of reopening was issued May 22, 1945, and the hearing was reopened June 20-22, 1945, for additional evidence.

The major issues developed at the hearing were concerned with: (1) Whether milk produced for the Columbus fluid milk market is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products; (2) whether marketing conditions justify the issuance of an order; (3) the proper size of the marketing area; (4) the definitions of "producer" and "handler"; (5) the classification of producer milk; (6) the level of class prices to be paid and the method for determining such prices; and (7) the type of pool to be employed.

The conclusions reached with respect to these issues, together with some of the supporting reasons for such conclusions are set forth below:

(a) Milk to be regulated under the proposed marketing agreement and order is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products.

The production of milk is among the largest of agricultural enterprises and is followed in varying degrees in every State. Of the total quantity of milk produced in the United States, over 50

percent is sold as fluid milk and fluid cream, largely through local markets.<sup>1</sup> This percentage emphasizes the importance of fluid milk markets to the welfare of the dairy industry as a whole.

Although individual fluid milk markets vary as to size, price plans, and health standards applicable to milk and milk products sold locally, they constitute, nevertheless, integral parts of a larger market for milk, and thus affect in varying degrees, depending upon relative market locations, the quantities and prices of milk in other fluid milk markets or that channeled into the manufacture of milk products over wide areas. Fluctuations in the consumption of fluid milk in any sizable urban market have reciprocal effects upon the amount of milk separated for cream or used for the manufacture of milk products in the vicinity of the market. This, in turn, has direct repercussions on the amounts of milk products moved to the local market from other areas or on the amounts moved from the local market or its vicinity to other areas. The failure of any sizeable fluid milk market to establish and maintain orderly marketing conditions with producer prices reflecting normal competitive circumstances makes available for manufacture into milk products a greater quantity of milk than would ordinarily be so marketed.

Although the administrative methods employed for bringing about better returns to dairy farmers and stability within the different branches of the dairy industry have varied, it has been consistently the purpose to coordinate the individual programs in such a way as to bring about general improvement for all segments of the industry. Because of the differences in, and the complexity of, the marketing systems for milk and its products, it has not been feasible to employ a single or uniform kind of program to deal with the entire dairy problem. Instead complementary programs of adjustment have been used.

In 1933, with the passage of the agricultural adjustment legislation, marketing agreements and licenses (superseded by marketing agreements and orders) were approved, along with production control and benefit payments, by the Congress as an integral part of the overall agricultural adjustment program.

It was early recognized in the administration of the adjustment program that the marketing agreement and order type of regulation offered great possibilities for bringing orderly marketing conditions to certain parts of the dairy industry. It has been considered particularly adaptable to fluid milk markets because the differences occurring among markets or regions in the marketing of fluid milk make it feasible to regulate fluid milk markets individually and because it makes use of the different mechanisms of price-making already familiar in principle to such markets. It has been employed also on a nation-wide basis with respect to evaporated milk and nonfat dry milk solids. Other complementary programs such as subsidies, central market price supports, production adjust-

ment, and surplus removal have been employed where they could be used with greater facility.

Since over 50 percent of all milk produced in the United States is delivered to fluid milk markets, it is obvious that no comprehensive program for the dairy industry as a whole may ignore such markets. It has been envisaged over a long period that an harmonious adjustment of prices should be attained between fluid milk markets one to another, and between fluid milk markets generally and manufacturing milk markets as part of any program seeking to improve the economic position of all dairymen. Stabilization in fluid milk markets is necessary not only because of the immediate marketing difficulties which may be present in such communities but also because of the effect which disorderly marketing conditions there have upon the supplies and prices of milk disposed of for manufacture into milk products and upon supplies and prices in other urban markets. Instability in any sizeable fluid milk market results in price repercussions with respect to milk for other uses, creating unnecessary costs affecting dairymen producing within geographic reach of the particular fluid milk market and contributing materially to a general decline of milk prices to all dairymen. Therefore, it has been envisaged that a systematic price pattern should be attained as part of any program seeking to improve the economic position of all dairymen and that such a systematic price structure would be seriously hampered if markets, such as Columbus, Ohio, having their respective milksheds within a single State had to be considered outside of the sphere of specific regulation.

With this in mind marketing agreement and license programs were issued in 1933 and 1934 in a large number of fluid milk markets, many of which secured their respective supplies from milksheds located within a single State. Although these latter programs have been terminated, those which were in effect at the time of the passage by Congress of the Agricultural Marketing Agreement Act of 1937, were ratified and affirmed by such act. Marketing agreements or orders have not been issued in every sizeable fluid milk market but they have been promulgated from time to time upon a showing that marketing conditions could be improved by such means.

Prices paid to producers for fluid milk used for fluid purposes are closely related to prices paid dairymen for milk used in the production of manufactured milk products. This results principally from the interchangeability of the supplies of milk for fluid distribution and of milk for manufacturing purposes, and because the milk produced for each outlet is subject to many of the same economic factors peculiar to the production and marketing of milk and milk products. Such relationships are especially pronounced in areas where milk is produced in quantity for both types of outlet, or where a portion of the milk produced for the fluid milk market actually is disposed of in the manufacture of milk

<sup>1</sup> H. R. p. 1730; Exhibit 127.



products as the result of surpluses. Such close relationships are further illustrated by the fact that fluid milk markets have long used butter and cheese quotations, or condensery prices, as a basis for establishing fluid milk prices and butterfat differentials. Likewise, the "use classification" principle has been widely used in fluid milk markets because milk not needed for fluid use must compete with uninspected milk. The use of surplus inspected milk in the manufacture of milk products brings it into direct competition with similar products made from uninspected or manufacturing milk and requires pricing in line with that for the manufacturing milk. This principle has been recognized as necessary under the Agricultural Marketing Agreement Act of 1937 with the pricing of surplus milk in regulated fluid milk markets in reference to the market prices of manufactured milk products or to the prices paid dairymen for milk utilized in such products.

The presence of a sizeable fluid milk market in a manufacturing milk area casts an economic shadow on the manufactured milk market which may be felt in different ways under varying economic conditions.

If an adequate supply of fluid milk is to be assured in any fluid milk market having quality standards which are higher than for milk used for manufacturing purposes, the prices paid producers must be sufficient, over a period of time, to create the incentive and to cover additional costs necessary to produce the quality and quantity of milk required by the community. An abnormally wide differential between the price of fluid milk and the price of milk for manufacturing purposes will cause dairymen to leave the market for manufacturing milk in favor of the fluid milk market. A differential which is too narrow will cause a reverse movement of supply.

The intimate relationship of the farm prices of milk for these respective outlets is of particular concern to all dairy farmers, particularly in times of surplus production, whether caused by declining demand or heavier production. In periods of plentiful supplies there is a strong incentive for destructive competition and price-cutting in fluid milk markets, at both the purchase and resale levels, with a consequent reduction in the producer price to a level lower than that justified by the local demand for fluid milk and fluid cream. These practices are encouraged by lack of uniformity in the cost of milk. They are usually found to exist in markets where producers are not paid on the basis of "use classification" and tend to depress prices for all milk produced in the area to a greater degree than the actual demand and supply situation would compel. The prices paid dairymen by manufacturing plants fluctuate within rather well defined price ranges. The upper limit of such ranges is determined primarily by returns from the sale of the products manufactured, the selling prices of which must be set with reference to national market prices, and the lower limit is determined by the degree of competition met in securing milk supplies. Therefore, a descent of prices in the fluid

milk market results in an adverse effect on prices to dairymen delivering milk to manufacturing plants in the area since many producers of inspected milk become dissatisfied and there becomes immediately available to the manufacturing outlet a substantial portion of the fluid milk supply. This provides an incentive for the manufacturer to reduce the price paid for his total supply even though there may have been no reduction in the prices which he receives for his products in the national markets. As a result of increased supplies of milk available for manufactured dairy products made in the local area, there will be a depressing effect on the national markets for such manufactured dairy products which, in turn, will be reflected in lower prices to dairymen supplying other manufacturing plants and fluid milk markets.<sup>2</sup>

The Columbus fluid milk market although having its milkshed within Ohio, is geographically located so as to cause a substantial effect upon milk used for manufacturing purposes and thus to affect interstate commerce in milk or its products. Ohio is one of the leading States in milk production. Cash receipts to farmers in the State from dairying rank high among farm enterprises, and in 1938 amounted to \$70,000,000 or 22.2 percent of all cash receipts from farm marketings. In 1943 the total cash receipts to farmers from dairying in this State amounted to about \$136,000,000 or 19.4 percent of the total cash receipts from all marketings. With a total of 1,077,000 milk cows and a production of 4,976,000,000 pounds of milk in 1943, Ohio ranked eighth in milk production among the 48 States. Almost 700,000,000 pounds of this volume was used on the farms or made into farm butter. Approximately 55 percent of the milk and cream sold off Ohio farms was used in making creamery butter, cheese, evaporated milk, ice cream, and other manufactured dairy products. About 45 percent was consumed by the non-farm population as fluid milk or fluid cream. In the production of butter, cheese, dried whole milk, nonfat dry milk solids, and evaporated milk, Ohio ranked among the States as follows in 1943: butter—9th; cheese—11th; dried whole milk—4th; nonfat dry milk solids—7th; and evaporated milk—2d. Large quantities of milk products are shipped from Ohio to other States.<sup>3</sup>

The close price relationships between fluid milk and the various milk products existing on a national basis also prevail within the State of Ohio and the effects of fluid markets on manufacturing milk outlets in Ohio are similar to those occurring generally over the country as prices for the two disposal channels change relatively to each other.<sup>4</sup>

The cow population in the Columbus milkshed is heavy and dairying is a main contributor to gross farm income.

Most of the milk produced in the milkshed is marketed (1) as whole milk to fluid milk handlers in Columbus (this milk would be regulated under the order proposed in this report), (2) as whole milk to manufacturing plants (Minimum prices to dairymen supplying milk to evaporated milk plants in the vicinity of Columbus, Ohio, and elsewhere are established pursuant to the Marketing Agreement and License for the Evaporated Milk Industry which became effective June 1, 1935. Returns to dairymen for milk used for other manufacturing purposes are supported by controls at central markets and by other Government programs), and (3) as farm separated cream to butter manufacturers, the skim milk being retained on the farm for animal feed (Returns to dairymen supplying cream to butter plants are supported by programs similar to those for whole milk used for other manufacture milk products. The area from which Columbus draws its fluid milk supply of 140,000,000 pounds annually includes all or parts of Champaign, Clark, Delaware, Fayette, Fairfield, Franklin, Knox, Licking, Logan, Madison, Marion, Morrow, Perry, Pickaway, and Union Counties, all in the State of Ohio. The farms of producers delivering milk for fluid use in Columbus are interspersed among those of other dairymen who supply whole milk to manufacturing plants or cream to butter manufacturers. In many instances milk is hauled to Columbus fluid milk plants and to manufacturing plants on the same trucks.<sup>5</sup>

A large manufacturing plant drawing the bulk of its supply from this area is the M. & R. Dietetic Laboratories, Inc., located in the city of Columbus, Ohio. This one plant receives approximately as much milk as all of the Columbus fluid milk handlers combined. It formerly maintained Columbus inspection on a sizeable portion of its milk supply. In 1931, it received milk from 1,362 inspected farms as compared to 2,198 farms for all fluid milk handlers in Columbus. It is engaged in the manufacture of whole milk powder, powdered ice cream mix, a special ice cream paste, and a baby food known as "Similac." These products are sold in large quantities in States other than Ohio. Similac is advertised nationally by both Sears, Roebuck & Company and Montgomery Ward & Company. This company sold 2,977,000 pounds of dry whole milk powder and 3,975,000 pounds of ice cream mix paste to the Army in 1944 for consumption outside of Ohio.<sup>6</sup>

The large plant of the Nestle's Milk Products Company at Marysville, Ohio, receives milk from the following counties which also supply inspected milk to Columbus: Champaign, Clark, Delaware, Franklin, Knox, Licking, Logan,

<sup>2</sup> H. R. pp. 1725-1800 and Exhibits 127-166; H. R. pp. 957-1007; 243; 281; 1081 ff; 1088-9; 1202-3; 1313 ff; 1596 ff; 1899 ff; 1929 ff; 2171-2; 2175; Exhibits 3 and 187; 112; 115; 116; 126; 183; 184; 185; 186.

<sup>3</sup> H. R. pp. 1759 ff; Exhibits 125; 128; 129; 130; 131; 132; 133.

<sup>4</sup> H. R. pp. 1761; Exhibit 126; 159.

<sup>5</sup> H. R. pp. 65; 74; 76 ff; 157 ff; 415; 430-1420 ff; 1520-1; 1550; 1575 ff; 1595; 2093; 2129; 2326; Exhibits 3; 8; 9; 13; 122; 125; 128; 185; 187; 192.

<sup>6</sup> Exhibits 188; 194-209; and H. R. pp. 1957-1998; Exhibits 180 and 181; 210; and H. R. pp. 1843-1847; 1864-5; 2005-2015; H. R. pp. 57-8; 65 ff; 74 ff; 110; 119; 251; 369 ff; 407; 430; 1314; 1559; 1564; 1595; Exhibit 126.



Madison, Morrow, and Union. This plant receives two grades of milk. One grade approaches the Columbus fluid milk supply in quality. A portion of it was formerly a part of the Columbus fluid milk supply. This company manufactures whole milk powder, evaporated milk, nonfat dry milk solids, and a baby food known as "Lactogen," all of which are sold in large quantities in States other than Ohio.<sup>7</sup>

The Pickaway Cooperative Creamery Company at Circleville, Ohio, receives milk from the following counties included as part of the Columbus milkshed: Pickaway, Franklin, Madison, and Fairfield. In addition to receipts of milk from dairymen, it has purchased on occasions inspected milk not needed in the Columbus fluid milk market. Fluid milk from this plant is sold in Ashland, Kentucky, in Beckley, West Virginia, and in other fluid milk markets. Approximately 3,600,000 pounds of milk per year are sold in West Virginia from this plant. Over 100,000 pounds of skim milk were sold from it in Columbus, Ohio, during the first three months of 1945. On other occasions large quantities of skim milk have been sold to the M. & R. Dietetic Laboratories, Inc., Columbus, Ohio. Butter manufactured in this plant is sold outside of Ohio, particularly in Parkersburg and Huntington, West Virginia, and in Kentucky.<sup>8</sup>

Other manufacturing plants which draw milk or cream supplies from counties in the Columbus milkshed are operated by the Carnation Milk Company at Coshocton, Ohio; the Cudahy Packing Company, Washington Court House, Ohio; the Pickerington Creamery Company, Pickerington, Ohio; and the Beatrice Creamery Company (Blue Valley), Columbus, Ohio. These plants manufacture evaporated milk, cheese, nonfat dry milk solids, and butter.<sup>9</sup>

In addition to these manufacturing plants, facilities are operated by certain Columbus fluid milk handlers for the production of butter from cream that is not required to meet inspection by the Columbus Board of Health. At the plant of the Fairmont Creamery Company, in Columbus, about 4,000,000 pounds of butter (80,000,000 pounds of 4.0 percent milk equivalent) are made annually and disposed of throughout Ohio and nearby States. Cream is purchased for this plant from dairymen in the Columbus milkshed and from areas extending over other parts of the State and into Virginia, West Virginia, Kentucky, and Indiana. Between 5 and 10 percent of such cream (4,000,000 to 8,000,000 pounds of 4.0 percent milk equivalent) is received from outside of Ohio. To its butter plant is transferred about 600,000 pounds of Columbus inspected milk per year for use in making "starter" for butter. In addition to such quantity of milk, this plant periodically utilizes a small percentage of butterfat from Columbus in-

spected milk in the production of butter. It also manufactures condensed milk from Columbus inspected milk, received from both producers and other handlers. The Fairmont Creamery Company has its principal office in Omaha, Nebraska, and operates plants throughout many Midwestern States.<sup>10</sup>

Another Columbus fluid milk handler, the Moores and Ross Company (a division of the Borden Company having its headquarters in New York, New York) manufactures a minimum of 300,000 pounds of butter annually (6,000,000 pounds of 4.0 percent milk equivalent). About 4 percent of the cream received for butter making, or approximately 240,000 pounds of 4 percent milk equivalent, comes from Indiana and a small volume from West Virginia. A small amount of the butterfat from Columbus inspected milk is intermingled with this uninspected cream in the manufacture of butter. Condensed milk manufactured by this company from Columbus inspected milk is sold in part to bakeries and to other establishments not requiring Columbus inspected milk for their products.<sup>11</sup>

The close tie-up between the Columbus inspected milk market, the nearby manufacturing milk market, and other fluid milk markets is shown further by the following transactions. Inspected milk produced for the Columbus fluid milk market is transferred either from fluid milk plants, or directly from farms, to plants where manufactured milk products are made. Skim milk not needed for fluid use was transferred to the Nestle's Milk Products Company in 1944. A handler witness testified at the promulgation hearing that: "Just this week I had to take 14 cans of 40 percent cream to the creamery and sell it at 52 cents a pound (butterfat)." In the same statement he said that at the same time his plant was so short of skim milk that it was unable to make cottage cheese. The producers' association diverted milk to the Pickaway Cooperative Creamery Company at Circleville in 1944. Fluid milk route returns of Columbus handlers are used in the manufacture of milk products. In 1938, a total of 8 or 10 loads of inspected milk discontinued deliveries to the Columbus fluid milk market. This milk was subsequently received by the M. & R. Dietetic Laboratories, Inc., for manufacturing purposes. On another occasion, one or two loads of inspected milk were transferred from the Columbus fluid milk market to the Nestle's Milk Products Company for manufacturing purposes. The Nestle's Company was able to keep the producers transferred to its plant only after it had agreed with the producers' association at Columbus to pay for the milk at prices similar to those which it would bring on the Columbus fluid milk market. The milk is still going to the Nestle's Company under those arrangements. Moreover, milk is transferred by tank truck, from the fluid milk plant of the Westerville Creamery Company at Westerville, Ohio (a handler

under the proposed marketing agreement and proposed order), to its manufacturing plant at Covington, Ohio, which latter plant disposes of condensed milk in Mississippi.<sup>12</sup>

Milk is produced in the vicinity of West Liberty, Ohio, for the Columbus fluid milk market, the Dayton-Springfield market (this market is now under Federal regulation), and the Cleveland fluid milk market. One load of inspected milk received at Columbus is on call for Cleveland at any time it is needed there. Milk received at a Wellington, Ohio, plant, which is approximately 30 miles from Cleveland is a regular part of the Cleveland fluid milk supply but finds its way in part to Columbus in the form of cream and ice cream mix to be sold in competition with ice cream produced from the Columbus fluid milk supply. Cream received from this source is equal in quality to cream made from the regular Columbus fluid milk supply and is eligible for fluid cream consumption in Columbus.<sup>13</sup>

Roughly, 800,000,000 pounds of milk are produced annually in the counties from which the Columbus fluid milk supply is drawn. This milk represents a large part of the supplies for both the manufacturing plants in the vicinity of Columbus and the Columbus fluid milk plants. The milk supply for any one plant, or type of outlet, is in competition with the supply for other plants, or outlets, drawing milk from this general area. Approximately one-fifth of the total milk supply is delivered to the Columbus fluid milk market. Conditions under which it is bought and sold there have a dominant influence upon the price paid for all milk produced in the area. This effect is demonstrated by the prices paid for manufacturing milk in the Columbus milkshed and in areas where the production of milk for manufacturing purposes is not so greatly affected by a large fluid milk market. The M. & R. Dietetic Laboratories, Inc., consistently has paid its farmers more for milk than have other manufacturers located in areas where the effect of competition for supply from large fluid milk markets is less acute. That Columbus fluid milk prices intimately affect the manufacturing milk market is indicated further by the interest shown by operators of the manufacturing milk plants in prices arrived at for inspected milk in the Columbus fluid milk market.<sup>14</sup>

There is a substantial shifting of producers among the fluid milk handlers, among nearby manufacturers, and between manufacturers and fluid milk handlers. During the recent wartime period of heavy demand for fluid milk, Columbus fluid milk handlers have sought additional producers. In one month of 1942 there was a shift of 175 producers from the manufactured milk market to the fluid milk market. In 1944 there was an increase of 123 producers on the fluid

<sup>7</sup> Exhibits 188; 191-209; and H. R. pp. 1969 ff.; H. R. pp. 685; 691; 948; 1420 ff.; 1521 ff.; 1528-1530; 1905 ff.; 2129.

<sup>8</sup> H. R. pp. 1644-1651; 1851-2; 1867; 1891-1893; 1910-11; 1550; 1896; 2070 ff.; 2101 ff.

<sup>9</sup> H. R. pp. 1311A; 1401; 1533; 1626 ff.; Exhibits 188; 189; 190; 193.

<sup>10</sup> H. R. pp. 371; 523; 1395 ff.; 1401 ff.; 1409 ff.; 1653-4; 1889-90; Exhibit 189.

<sup>11</sup> H. R. pp. 539; 1037; 1039 ff.; 1346; 1348; 1656 ff.; 1660 ff.; 2119 ff.; 2129; Exhibit 112.

<sup>12</sup> H. R. pp. 70; 137 ff.; 523; 691; 770; 784; 788-9; 947 ff.; 1037 ff.; 1101; 1184-5; 1314; 1410; 1418; 1723; 1853; 1888; 1890.

<sup>13</sup> H. R. pp. 276 ff.; 382-3; 1819 ff.; 1862 ff.; 1873 ff.; 1879 ff.; 1882 ff.; 1939 ff.; 2081 ff.; 2110 ff.; 2118 ff.; 2131; Exhibit 172.

<sup>14</sup> H. R. pp. 70 ff.; 82; 99; 288; 1585; 1625-1637; 1906 ff.; Exhibits 3; 185; 212.



milk market between February and December. This increase is a net change and does not include the changes in producer numbers which offset each other. Between January 1 and December 11, 1944, there were issued by the Columbus Health Department 2,171 farm permits to ship inspected milk to Columbus but on the latter date only 1,999 were shipping. This indicates that 172 producers had left the market during the year. The net increase of 123 plus the 172 producers who left the market and were replaced indicates that a total of 295 producers entered the market in 1944. One handler who normally receives milk from approximately 200 producers took on between 40 and 50 new producers in 1944, with a net gain of 18 producers. Such shifting represents a substantial turnover in numbers of producers. There is no real barrier except added production costs in relation to higher prices which prevents dairymen from shifting from the manufacturing milk market to the fluid milk market. Instances have already been cited where shifting has taken place in large numbers. The results of such shifting are decreased supplies for the manufacturer and increased unit costs of handling and processing milk. There are also economic conditions under which there is an incentive for producers to transfer from the fluid milk market to the market for manufacturing milk. Producers on the Columbus fluid milk market can make this transfer at any time without making burdensome changes in their production setup.<sup>15</sup>

Because of the effects of the shifting of producers from the manufacturing milk market to the fluid milk market, ceiling prices, designed to arrest these transfers, were issued in January 1943, by the Office of Price Administration, with respect to prices paid producers of milk for fluid use in all markets, including Columbus.<sup>16</sup>

In order to arrest further the shifting of milk from manufactured outlets to fluid milk outlets, War Food Order 79, limiting the volume of fluid milk and cream sold in city markets, was issued in September 1943. This order was issued because the increases in fluid milk sales were seriously curtailing the production of manufactured milk products needed for direct war uses. A supplementary order, War Food Order 97-17, was issued October 4, 1943, to accomplish this purpose in the Columbus market. That fluid milk sales would have continued to increase in the Columbus market without such an order is indicated by the fact that handlers petitioned the War Food Administrator to raise quotas for fluid milk by 15 percent over those permitted by War Food Order 79-17. This petition was denied, but had it been granted, the supply for the additional sales would have had to come primarily from farmers who were then supplying milk to the

nearby manufacturers of dairy products.<sup>17</sup>

Columbus fluid milk and milk products are sold by handlers in competition with other large quantities of milk and milk products, produced and sold without inspection by any health authority.

Isaly's Inc., distributes fluid milk and milk products from its Columbus plant in Ohio communities located up to 75 miles from Columbus. In many of these communities it distributes fluid milk and milk products in direct competition with fluid milk and milk products derived from uninspected sources. A witness from the Isaly Company testified at the promulgation hearing, "We are paying too much for ice cream manufacturing right now under the present bases to compete, as we have to do, with uninspected milk in other near areas." One-third of the ice cream made in the Isaly plant is sold outside of Franklin County, Ohio.<sup>18</sup>

The Moores and Ross Company furnishes ice cream to Portsmouth, Ohio (a portion of which is redistributed in Kentucky), and to other markets. Shipments of inspected milk and milk products made from inspected milk are sent to markets located in Indiana, West Virginia, and Kentucky.<sup>19</sup>

A considerable amount of milk and milk products have been sold by Columbus handlers to troop trains moving out of Ohio, and to military establishments located geographically within the State, but which are under the complete jurisdiction of the United States, including the Columbus Depot, the Lockburn Airfield, and Fort Hayes. Milk products such as butter, evaporated milk, cheese, powdered whole milk, and Similac are sold in Columbus, though they are made from milk not required to meet Columbus inspection.<sup>20</sup>

Proprietary handlers maintained throughout the promulgation hearing that the Columbus fluid milk market is not in interstate commerce nor directly burdens, obstructs, or affects interstate commerce in milk or its products. In taking this position, they admitted that relationships and effects of the type described earlier in this report prevail for milk markets generally, but stated that such relationships and effects do not pertain to Columbus, because Columbus is an "isolated" market. It was contended that the receipts of inspected milk from producers at Columbus correspond closely to the requirements of the fluid milk market, thus making a balance between supply and demand and an absence of substantial effect upon the manufacturing milk market. They attributed this situation partly to the Columbus health ordinance which sets quality standards for the production and handling of milk used as milk, cream, and other milk products, including ice cream, and partly

to their own operating efforts, especially their efforts to minimize the effects of seasonal variations in milk production as a surplus problem. It was alleged that the "complete coverage" of the Columbus health regulations make inspected milk a "separate and distinct commodity" from the uninspected milk going to manufacturing plants in the area, with no more interrelation existing between the two kinds of milk than between Columbus inspected milk and poultry or poultry products.

Also handlers admitted that there is some shifting or overlapping between the Columbus fluid milk supply and the supplies of other fluid milk markets and manufacturing plants, but minimized the effect of this, stating that the small amount of milk involved has no substantial effects on other fluid milk markets or on the market for manufacturing milk. But apparently they did recognize some effect of the Columbus fluid milk market on the manufacturing milk market and on other fluid milk markets because they repeatedly referred to the effect as not being "substantial."<sup>21</sup>

There is an abundance of evidence in the hearing record to show that the Columbus fluid milk market is not "isolated" from other fluid milk markets or from the market for manufacturing milk. This evidence may be summarized briefly, as follows:

(1) Columbus fluid milk handlers compete for supplies with nearby manufacturing plants selling manufactured milk products in interstate commerce, and there is a considerable interchange of producers between these two outlets for milk;

(2) A portion of the Columbus inspected milk supply is disposed of by fluid milk handlers through manufacturing facilities operated by them. This milk when used for these manufacturing purposes is commingled with uninspected milk or cream, part of which is obtained from outside Ohio. The products so manufactured are sold in other States and within Ohio in competition with similar products produced in other States. Occasional transfers of Columbus inspected milk are also made to manufacturing plants operated by others where it is commingled with uninspected milk in the manufacture of milk products similarly disposed of;

(3) Handlers distribute Columbus inspected milk and products made therefrom in communities where such sales are made in competition with milk and milk products, some of which come from uninspected milk;

(4) Columbus fluid milk handlers sell limited quantities of inspected milk and products made therefrom in markets outside of Ohio;

(5) Milk products manufactured from milk not subject to inspection by the Columbus board of health are sold in Columbus, even though handlers maintained that Columbus has a "complete coverage" health ordinance. The health ordinance perhaps does partially shelter the Columbus fluid milk market. Health regulations are not an unusual feature of

<sup>15</sup> H. R. pp. 196; 1752 ff.

<sup>16</sup> H. R. pp. 1081; 1087; 1098 ff; 1103 ff; 1139 ff; 1124; 1853 ff; 1893 ff; 2025 ff; 2037 ff.

<sup>17</sup> H. R. pp. 1344 ff; 1392; 1655 ff; 1668; 1709 ff; 1713 ff; 1715 ff; 2097 ff; 2121 ff; 2126 ff; 2130.

<sup>18</sup> H. R. pp. 370; 1400 ff; 1516; 1542; 1606 ff; 1612 ff; 1635; 1666; 1714; 1864; 1835 ff; 1867; 1887; 2033 ff; 2117-8; 2133 ff; 2137 ff; Exhibits 177; 178.

<sup>21</sup> H. R. pp. 276; 1707 ff; 2050 ff; 2068; 2080 ff; 2094 ff; 2135 ff; 2143-2186; 2196-2369.

<sup>15</sup> H. R. pp. 65-6; 70-1; 80 ff; 113-4; 179; 180; 196; 214 ff; 217 ff; 222; 243; 281; 430; 685; 690; 748-9; 893; 924; 928; 930; 1429; 1596 ff; 1705; 1707; 1907; 1909; 1912 ff; 1927 ff; 2083; 2051; 2065; 2066; 2091; Exhibits 10; 112; 185.

<sup>16</sup> H. R. p. 221.



a fluid milk market. Practically all large fluid milk markets require milk to be produced and handled in accordance with high quality standards, but this does not create isolation;

(6) The Columbus fluid milk market is not reserved for any particular number or any particular group of producers, and likewise producers are free to transfer from the Columbus fluid milk market to the manufacturing milk market;

(7) Skim milk is received at Columbus from a plant which receives milk for manufacturing purposes and which disposes of large quantities of fluid milk and milk products in States other than Ohio; and

(8) Prices paid Columbus fluid milk producers are related to prices paid in other fluid milk markets and prices paid for milk at nearby manufacturing plants. In this connection a handler witness, in discussing his experience as an official of the Office of Price Administration, stated that such agency was unable to successfully establish ceilings over producer prices for fluid milk on a nation-wide, or even on an area basis, without having to make adjustments occasioned by the intimate connection between fluid milk prices in different markets one to another, and between fluid milk market prices and the prices paid for milk produced for manufacturing purposes. He stated that these market differences had to be recognized, and the nation-wide program establishing ceiling on prices paid producers for fluid milk was therefore handled on an individual market basis. It was pointed out earlier in this report that the individual market approach also has been regarded as the most workable method for stabilizing conditions in fluid milk markets under the Agricultural Marketing Agreement Act of 1937, as amended.

If Columbus were an isolated fluid milk market and had no effect upon other fluid milk markets or upon the market for manufacturing milk, it presumably would be possible to establish prices at any level without affecting other outlets for milk. However, it was admitted by the same handler witness that Columbus was no exception to the general problem of inter-relationships with which the Office of Price Administration was confronted in establishing ceilings over fluid milk prices.<sup>22</sup>

(b) Marketing conditions justify the issuance of a marketing agreement and order.

There are two principal reasons to support the issuance of a marketing agreement and order for Columbus, Ohio. There is a need in the market for a well-defined price plan which will (1) correct the methods and practices of price-making that have resulted in the past in chronic inequities in the prices paid to producers, and (2) assure an orderly adjustment of prices based upon sound economic considerations and an equitable distribution of the market surplus. Such a plan would play an especially important role during and after the transition from a period characterized by wartime controls and by heavy demand for the

fluid milk and milk products produced in the Columbus area to a period of relaxed controls and a probable shifting of market outlets. An order would promote a more stable supply situation for Columbus and thereby would promote similar stability of supply for the manufacturing plants competing for milk in the same general area. It would minimize uneconomic shifts in supply between the fluid milk market and the manufacturing milk plants. The ultimate effect of this would be to assist materially in the orderly marketing of the milk produced throughout the entire Columbus milkshed.

It is evident from the hearing record that history of the Columbus market has been characterized by instability and unrest. The market has lacked a price plan which would assure producers (1) a fair degree of uniformity, and (2) a dependable price over a period of time. Until August 1943, producers were paid according to the quantities of "base" and "surplus" milk delivered. Bases were computed by the handler and allocated to producers at the handler's discretion. The base plan lost all meaning in respect to the volume of fluid milk sold, and the fact that the handlers refused to allow a complete and dependable audit placed producers at the handler's mercy. Under this procedure producers received a myriad of prices and became dissatisfied because of the uncertainties involved in the pricing mechanism. Producers also charge that both remote and specious allegations have been often set forth by handlers in bargaining proceedings to obtain price concessions, but that a lack of market information has prevented a sound appraisal of such allegations.

Because of the pressure caused by high wartime demand for milk, handlers adopted in August 1943, the "flat" price method of paying producers. However, under neither this plan nor the former base-surplus plan did handlers pay for milk based upon its use. In September 1944, under the flat price plan, one handler sold 56.1 percent of his producer receipts as fluid milk while during the same month the sales of another handler were 106.3 percent of his producer milk receipts. Such conditions encourage excessive price-cutting and other forms of discount among handlers, because of differences in the value of the milk sold through the various channels. Excessive price-cutting was widely practiced in Columbus prior to the war, and to some degree, during the months preceding the hearing, although the heavy demand for fluid milk and the wartime controls in effect have had a stabilizing influence. On the other hand, the same administrative heads are in charge of distribution in Columbus and it may be expected that the base and surplus plan will reappear as the method for arriving at the individual handler's cost of milk. A strong indication of this is the fact that handlers' pay statements to producers still state a base quantity and a surplus quantity of milk delivered by each producer although the producer is paid a similar price for each designated quantity under the current flat price plan.

Another indication of the impropriety of past pricing methods in the market are the differences by which the producer prices have exceeded the prices paid to farmers shipping to nearby condenseries. These price differences varied from 3 to 63 cents per hundred-weight between September 1941 and June 1942. It is highly questionable that the extra costs involved in supplying the fluid market varied to that extent.

Because of circumstances already outlined the future of the Columbus fluid milk market is uncertain. Producers lack confidence in their market because voluntary bargaining has not evolved a plan which guarantees a fair market price to all producers or which fixes a reasonable relationship between the price of inspected milk and that paid for manufacturing milk produced in the same area.

Manufacturing milk produced in the Columbus milkshed is sure to feel the impact of changes brought about by the end of the war. Much of this impact will be the result of conditions prevailing in the fluid milk trade in the Columbus marketing area. The issuance of an order can furnish the means of keeping inspected and uninspected milk prices in their proper alignment, of preventing an uneconomical dislocation of supplies, and of helping maintain reasonable prices for the producers of inspected milk by eliminating price wars carried on at their expense. Orderly marketing conditions at Columbus would be of substantial benefit not only to Columbus producers of inspected milk but also to dairymen supplying milk to the manufacturing plants drawing their supplies from the same general area.

Milk distributors contended at the promulgation hearing that marketing conditions do not justify the issuance of an order for the Columbus, Ohio, marketing area.

They contended that producers are getting a fair price for milk and that relationships between producers and handlers are satisfactory. The fact that the Central Ohio Cooperative Milk Producers, Inc., petitioned the War Food Administration for a hearing, submitted a proposed marketing agreement and order, and made strenuous efforts to obtain the issuance of an order, presents a strong indication that many producers at least are not satisfied with present marketing conditions in Columbus, Ohio.<sup>23</sup>

(c) The Columbus, Ohio, marketing area should include the city of Columbus, the townships of Montgomery, Bexley, Clinton, Franklin, Marion, and Mifflin, and the village of Upper Arlington in Perry township, all within Franklin County, Ohio.

The proposed marketing area includes towns and communities, which, together with the city of Columbus, form an integral and compact market, in which fluid

<sup>22</sup> H. R. pp. 2196-2369.

<sup>23</sup> H. R. pp. 9; 88; 376-8; 898-900; 1429 ff; 1530 ff; 1536 ff; 1621 ff; 1672 ff; 1718 ff; 1824; 1865 ff; 1820-1; 1847-8; 1886; 1899 ff; 1901 ff; 1930 ff; 1944; 2011-2; 2063-5; 2074 ff; 2105-9; 2113; 2145 ff; 2154. Exhibits 55-110; 112; 116; 183; 184; 186; 212; 213; 215.



milk and its byproducts are freely marketed under highly similar conditions.

The marketing area originally proposed by producers extended over and included all territory within Franklin County, Ohio. However, it would appear that such a marketing area would place some communities in Franklin County under the proposed order without much purpose. It would cover several communities in which there are no distributors of milk other than producer-distributors and some localities, such as Canal Winchester, from which no milk is distributed in Columbus or its suburbs. The latter area is believed to be unnecessarily large.<sup>21</sup>

(d) The term "producer" should be restricted to those farmers whose milk normally is sold in the marketing area to supply the requirements of the "fluid milk industry." It is not proposed to include dairy farmers whose milk is sold to plants which are not engaged in the disposition of milk in fluid form.

The term "handler" should include primarily all persons receiving milk at fluid milk plants for disposition in whole or in part as Class I milk. It should include also any association of producers with respect to producer milk diverted from fluid milk plants to other outlets. It is not proposed to include those plants which are engaged exclusively in the manufacture and sale of ice cream and other milk products.<sup>22</sup>

(e) There should be four classes of milk as defined in the proposed marketing agreement and order which is part of this report.

The original classification plan proposed by producers provided for four classes of milk, but with a somewhat different grouping of the items to be included in the various classes than appear in the proposed marketing agreement and order. At the hearing this proposal was amended with a request for three classes of milk.

The principal discussions concerning classification were directed toward the proper classification of milk used in (1) ice cream and related products, (2) flavored milk, flavored milk drinks, and buttermilk, (3) whole milk powder, and (4) starter.

Producers originally proposed that milk used for making ice cream products be designated as Class III milk. They later proposed that such milk be designated as Class II milk. The weight of the evidence was such, however, that milk used for these purposes has been specified as Class III milk.

Although handlers contended that milk used for flavored milk, flavored milk drinks, and buttermilk should be Class II milk, it has been designated as Class I milk. These products are disposed of in a form and for a use more nearly similar to the form and use of fluid milk than of any milk product.

Producers requested also that milk used for making powdered whole milk and starter for butter be designated as Class I milk. However, this proposal appeared to be based mainly upon their

proposition to include a manufacturer of milk products located in Columbus, Ohio, under the definition of handler. Milk used for such purposes is utilized in products which must compete with similar products made from uninspected milk. Therefore, milk for these purposes is priced accordingly through its classification as Class IV milk in the proposed marketing agreement and order.<sup>23</sup>

(f) The class prices should be set so as to reflect the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk, to insure a sufficient quantity of pure and wholesome milk and to be in the public interest.

It is estimated that a blend price of \$3.38 per hundredweight for milk of 4.0 percent butterfat would have resulted had the formulas and prices proposed been in effect during the 12 months ending May 31, 1945. During such 12-month period the parity price, on the basis of milk of similar test, averaged \$3.25. The parity price for 3.5 percent milk in June 1945, as shown by the hearing record, was \$3.03. If converted to a 4.0 percent price basis, the June parity was approximately \$3.28.

A reasonable differential should be maintained between the price paid for milk produced for the fluid milk market and that paid for milk produced for nearby manufacturing outlets. It is proposed that the price received by the producers on the Columbus fluid milk market shall fluctuate as manufacturing milk prices change. However, in view of the fact that the wartime demands for milk and milk products have resulted in a substantial shifting of the outlets for milk and have created the necessity with the return of peace for a substantial degree of conversion within the industry to meet peacetime conditions, bringing with it an unsettled price condition with respect to manufacturing milk, it is felt that for a temporary period during such transition from wartime to peacetime economy a reasonable level of prices will be insured for the coming fall and winter months only if a fairly rigid structure of prices is established.

The price plan proposed would provide for immediate class prices as follows:

Class I milk—\$3.50 per hundredweight; Class II milk—\$3.25 per hundredweight; Class III milk—\$3.10 per hundredweight; and Class IV milk—\$2.97 per hundredweight (approx.). The Class I, Class II, and Class III milk prices would remain at such minimum levels at least until April 1, 1946. To the extent that the class price formulas adopted will result in blended prices exceeding such parity level they are fully justified on the basis of evidence concerning the price and supplies of feeds and other economic conditions affecting market supplies and demand for milk and to such extent the parity level is not reasonable.

The estimated blended price of \$3.38 per hundredweight referred to above compares with the currently prevailing prices in the market as follows: The pre-

vailing price paid producers for the bulk of the inspected milk supply has been \$3.30 per hundredweight for 4 percent milk for a number of months. However, during the last four months of 1944 bonuses were paid to all producers, which raised the average annual price to approximately \$3.34 per hundredweight for 1944. In addition to this, some milk has been purchased from producers at a price as high as \$3.50 per hundredweight.

The pricing of milk with reference to a butterfat content of 4 percent follows the custom of the market. Producers proposed the fixing of price with reference to milk of 3.5 percent butterfat content but did not give convincing evidence that this would accomplish any substantial purpose.

The class prices set forth above are based upon the separate values of butterfat and skim milk according to its classification.

The butterfat differential proposed is in direct proportion to the price of butterfat established for the major uses of butterfat in Class IV milk and would be approximately 5.5 cents per point at the present time.<sup>24</sup>

(g) The market-wide type of pool should be employed for the purpose of computing the uniform price to producers. Under this type of pool all producers would receive a uniform price computed on the basis of the combined classification of milk by all handlers.

Producers proposed an individual-handler type of pool, under which the uniform prices paid producers by each handler would vary among handlers with differences in the classification of their milk. Producers maintained that the individual-handler pool would improve handler-producer relations and encourage competition among handlers for fluid milk sales.

Handlers on the other hand supported a market-wide pool plan. They opposed an individual-handler pool on the grounds that it would establish as "many different producer prices as there are handlers in the market," that it would breed dissatisfaction among producers, encouraging them to shift from handler to handler; and that it would discriminate against handlers whose milk uses are principally in the lower classes.

Because the facilities for handling substantial quantities of surplus milk are limited to a few plants, the market-wide pool should be more workable at least at the beginning.<sup>25</sup>

The following proposed order is recommended as the detailed means by which the above conclusions may be carried out. The proposed marketing agreement is not set forth in detail in this report because its substantive provisions would be identical to those set forth in the proposed order.

#### Proposed Order

**Findings.** Upon the basis of the evidence introduced in the public hearing

<sup>21</sup> H. R. pp. 19-42; 552-693; 1328-1334; 1325; 1617; 1944 ff; 2002-4; 2146; 2186-91; Exhibits 3; 22-32; 187; 220-225.

<sup>22</sup> H. R. pp. 1267 ff; 1293 ff; 1306 ff; 1311 ff; 1318 ff.

<sup>23</sup> H. R. pp. 45-62; 146; 154-181; 185-197.

<sup>24</sup> H. R. pp. 63-123; 123-147; 241 ff; 260 ff; 263 ff; 275-6; 279 ff; 291 ff.

<sup>25</sup> H. R. pp. 344 ff; 389-491; 495-550; 761-809; 1152-1176.



and the record thereof, it is hereby found that:

(1) The issuance of this order regulating the handling of milk in the said marketing area, and all the terms and conditions of this order, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) Milk to be regulated by this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products; and

(4) The issuance of this order is the only practical means pursuant to the act to advance the interests of the producers of milk which is produced for sale in the said marketing area.

It is hereby ordered, That such handling of milk for the Columbus, Ohio, marketing area as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce in milk or its products, shall from the effective date hereof be in compliance with the following terms and conditions:

SECTION 1. *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*).

(b) "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Columbus, Ohio, marketing area," hereinafter called the "marketing area," means the city of Columbus; the townships of Bexley, Clinton, Franklin, Marion, Mifflin, and Montgomery; and the village of Upper Arlington in Perry Township; all within Franklin County, Ohio.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Fluid milk plant" means the premises and the portions of the building and facilities used in the receipt and processing or packaging of milk all, or a portion, of which is disposed of during the delivery period as Class I milk on wholesale or retail routes or through stores in the marketing area, but not including any portion of such building or facilities used for receiving or processing milk or any milk product required by the appropriate health authorities to be kept physically separate from the receiving and processing or packaging of milk for

disposition as Class I milk in the marketing area.

(f) "Handler" means (1) any person who receives producer milk at a fluid milk plant, and (2) any association of producers with respect to any producer milk constituting a part of the producer milk supply of a handler which such association diverts on its account to a plant other than a fluid milk plant. Producer milk so diverted shall be deemed to have been received by such association.

(g) "Producer" means any person, including one who may also be a handler, (1) who produces milk under a dairy farm permit issued by the appropriate health authorities in the marketing area, or (2) who produces milk which is received as a part of the dairy farm supply at any fluid milk plant which is not required by the appropriate health authorities in the marketing area to obtain its dairy farm supply from milk produced under dairy farm permits.

(h) "Producer milk" means any milk produced by one or more producers under the conditions set forth in (g) of this section.

(i) "Other source milk" means (1) milk, (2) skim milk, (3) cream, or (4) any milk product which is received at a fluid milk plant from a plant not a fluid milk plant. The term "other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product which is received at such fluid milk plant under an emergency permit issued by the appropriate health authorities in the marketing area.

(j) "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized to perform the price reporting functions specified in section 5 hereof.

(k) "Delivery period" means the calendar month, except that the first "delivery period" shall be the period from the effective date hereof until the end of the calendar month in which such effective date occurs.

SEC. 2. *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the power:

(1) To administer this order in accordance with its terms and provisions;

(2) To make rules and regulations to effectuate the terms and provisions hereof; and

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof.

(c) *Duties.* The market administrator shall perform all duties which are necessary to administer the terms and provisions of all sections hereof, including, but not limited to, the following duties:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to

the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by section 8, (i) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses, except those incurred under section 9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(5) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to section 3 or (ii) payments pursuant to sections 7, 8, or 9;

(6) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(7) On or before the 25th day after the end of each delivery period, supply each association of producers with a record of the amount of milk received by handlers, during the delivery period, from those individual producers verified by the market administrator as being members of such association, for such delivery period;

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for any handler depends; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 6th day after the end of each delivery period, the minimum class prices for skim milk and butterfat computed pursuant to section 5; and

(ii) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to section 6 (d) and the butterfat differential computed pursuant to section 6 (e).

SEC. 3. *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, except as otherwise provided in (b) (1) of this section, shall report to the market administrator for each delivery period, with respect to all producer milk and other source milk received during the delivery period, in



the detail and on forms prescribed by the market administrator; (1) the quantities of butterfat and the quantities of skim milk contained therein (except that the quantities of the products should be substituted for the quantities of butterfat and skim milk in the case of products disposed of in the form in which received, whether received from other handlers or other sources), (2) the utilization thereof, and (3) such other information with respect to such receipts and utilization as the market administrator may request.

(b) *Other reports.* (1) Each handler who receives at his fluid milk plant no producer milk other than that from his own farm or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) On or before the 20th day after the end of each delivery period, each handler shall submit to the market administrator such handler's producer pay roll for the delivery period, which shall show (i) the total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and association of producers, and (iii) the nature and amount of each deduction or charge involved in the payments referred to in (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator, or to his representative, during the usual hours of business, such accounts and records of any of his operations, including those of plants, other than fluid milk plants, in which any producer milk is received, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (1) the utilization, in whatever form, of all skim milk and butterfat required to be reported pursuant to (a) of this section; (2) the weights, samples, and tests for butterfat and other contents of all milk and milk products previously received or utilized or currently being received or utilized; and (3) payments to producers or to associations of producers.

**Sec. 4. Classification.**—(a) *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in (1) all milk, skim milk, cream, and milk products (except in the case of milk products disposed of in the form in which received) received during the delivery period by a handler at a fluid milk plant, and (2) all producer milk caused to be diverted during the delivery period in the manner described in section 1 (f) (2), shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (c), (d), and (e) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of (except that which has been dumped or disposed of for livestock feeding) as (a), milk; (b), skim milk; (c) buttermilk; or (d), flavored milk or flavored milk drinks; and

(ii) not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all skim milk and butterfat disposed of (i) in fluid form as sweet or sour cream; (ii) in fluid form as any mixture of cream and milk (or skim milk), including eggnog, which contains more than 6 percent of butterfat; or (iii) as cottage cheese.

(3) Class III milk shall be all skim milk and butterfat used to produce, or dispose of as, condensed milk and condensed skim milk (except evaporated milk or skim milk hermetically sealed in cans), ice cream, ice cream mix, ice cream novelties, ice sherbets, or frozen cream.

(4) Class IV milk shall be all skim milk and butterfat specifically accounted for as (i) having been used or disposed of in any form other than as specified in (b) (1) (i), (b) (2), and (b) (3) of this section; (ii) having been dumped or disposed of for livestock feeding; and (iii) actual plant shrinkage but not in excess of 2½ percent, respectively, of the total receipts of skim milk or butterfat, not including skim milk or butterfat received from other handlers.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in (b) and (d) of this section, the burden rests upon the handler to account for the utilization of all skim milk and butterfat received by him and to prove to the market administrator that such skim milk and butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if later used or disposed of by a handler in another class, in accordance with such later use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in (c) of this section and (3) and (4) of this paragraph, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, shall be classified as follows:

(i) In the class as agreed upon by both handlers if transferred to another fluid milk plant, except one as referred to in (ii) of this subparagraph;

(ii) As Class I milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(iii) As Class I milk if transferred to any such plant not a fluid milk plant: *Provided*, That if the seller on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed by the buyer and the seller that such skim milk and butterfat was used as a product covered by Class II milk, Class III milk, or Class IV milk and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(2) Subject to the conditions set forth in (c) of this section and in (3) and (4)

of this paragraph, skim milk and butterfat when transferred by a handler from a fluid milk plant to any other milk distributing or milk manufacturing plant in the form of cream shall be classified as follows:

(i) In the class as agreed upon by both handlers if transferred to another fluid milk plant, except one as referred to in (ii) of this subparagraph;

(ii) As Class II milk if transferred to the fluid milk plant of a handler who receives no milk from producers or associations of producers other than such handler's own farm production; or

(iii) As Class II milk if transferred to any such plant not a fluid milk plant: *Provided*, That if the seller on or before the 5th day after the end of the delivery period during which such transfer is made furnishes to the market administrator a statement signed by the seller and the buyer that such milk and butterfat was used as a product covered by Class I milk, Class III milk, or Class IV milk and that such utilization may be audited at the receiving plant, such skim milk and butterfat shall be classified accordingly.

(3) The utilization of all transfers made pursuant to (1) (i), (1) (iii), (2) (i), and (2) (iii) of this paragraph, shall be subject to verification by the market administrator.

(4) No agreement or statement made relative to transfers as provided for in this paragraph shall operate to deter the prior subtraction of other source milk pursuant to (f) (1) of this section or the prior subtraction of skim milk or butterfat pursuant to (f) (2) of this section. Any quantity reported for allocation to a particular class but not eligible therefor because of (f) (1) or (f) (2) of this section shall be reclassified by the market administrator as Class I milk, pending his verification.

(e) *Computation of the classification of all skim milk and butterfat for each handler.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute separately the respective amounts of skim milk and butterfat in Class I milk, Class II milk, Class III milk, and Class IV milk, as follows:

(1) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of skim milk and butterfat used to produce all other milk products received (except milk products disposed of in the form in which received without further processing in the fluid milk plant) regardless of source;

(2) Determine the total pounds of butterfat contained in the total receipts computed pursuant to (1) of this paragraph;

(3) Determine the total pounds of skim milk contained in the total receipts computed pursuant to (1) of this paragraph by subtracting therefrom the total pounds of butterfat computed pursuant to (2) of this paragraph;

(4) Determine the total pounds of butterfat in Class I milk by: (i) computing the aggregate amount of butterfat



disposed of in each of the several items of Class I milk; and (ii) adding all other butterfat not specifically accounted for as Class II milk, Class III milk, or Class IV milk;

(5) Determine the total pounds of skim milk in Class I milk by: (i) computing the aggregate amount disposed of as each of the several items of Class I milk; (ii) subtracting the result obtained in (4) (i) of this paragraph; and (iii) adding all other skim milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk;

(6) Determine the total pounds of butterfat in Class II milk by computing the aggregate amount of butterfat disposed of in each of the several items of Class II milk;

(7) Determine the total pounds of skim milk in Class II milk by: (i) computing the aggregate amount of milk, skim milk, and cream disposed of in each of the several items of Class II milk; and (ii) subtracting the result obtained in (6) of this paragraph;

(8) Determine the total pounds of butterfat in Class III milk by computing the aggregate amount of butterfat used to produce each of the several items of Class III milk;

(9) Determine the total pounds of skim milk in Class III milk by: (i) computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class III milk; and (ii) subtracting the result obtained in (8) of this paragraph;

(10) Determine the total pounds of butterfat in Class IV milk by: (i) computing the aggregate amount of butterfat used to produce each of the several items of Class IV milk; and (ii) adding actual plant shrinkage of butterfat computed pursuant to (b) (4) (iii) of this section; and

(11) Determine the total pounds of skim milk in Class IV milk by: (i) computing the aggregate amount of skim milk and butterfat (in whatever form) used to produce each of the several items of Class IV milk; (ii) subtracting the result obtained in (10) of this paragraph; and (iii) adding the actual plant shrinkage of skim milk, computed pursuant to (b) (4) (iii) of this section.

(f) *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period, the market administrator shall compute separately the respective amounts of skim milk and butterfat of producer milk in Class I milk, Class II milk, Class III milk, and Class IV milk for each handler by making the following computations in the order specified:

(1) Subtracting from Class IV milk (beginning with butter manufactured) the skim milk and butterfat, respectively, received as other source milk, up to the amount of Class IV milk available;

(2) Subtracting from the remaining pounds of skim milk and butterfat, respectively, in the lowest-priced available class or classes, the skim milk and butterfat received from any other handler who received no milk from producers or associations of producers other than such handler's own farm production;

(3) Subtracting from the remaining pounds of skim milk and butterfat in each class, respectively, the total pounds of skim milk and butterfat received from other handlers (except those referred to in (2) above) and used in such class: *Provided*, That if milk allocated by agreement to any class exceeds the amount remaining in such class after the subtractions made pursuant to (1) and (2) of this paragraph, such excess amounts shall be deemed to be Class I milk, subject to audit by the market administrator;

(4) Subtracting pro rata from the remaining pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk, the remaining skim milk and butterfat received as other source milk; and

(5) If the total amount of skim milk or butterfat in all classes after the subtractions made pursuant to (1), (2), (3), and (4) of this paragraph is greater than the skim milk or butterfat in producer milk, decrease the lowest available class, or classes, by such excess.

**SEC. 5. Minimum prices—(a) Basic formula price to be used in determining Class I milk, Class II milk, and Class III milk prices.** The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk, Class II milk, and Class III milk provided in this section shall be the higher of the prices per hundredweight determined pursuant to (1) or (2) of this paragraph: *Provided*, That the basic formula price for each delivery period prior to April 1, 1946, shall be the price so determined, or \$2.50, whichever is higher.

(1) The average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the companies listed below or by the Department of Agriculture:

Companies:	Locations
Borden Co.....	Black Creek, Wis.
Borden Co.....	Greenville, Wis.
Borden Co.....	Mt. Pleasant, Mich.
Borden Co.....	New London, Wis.
Borden Co.....	Orfordville, Wis.
Carnation Co.....	Berlin, Wis.
Carnation Co.....	Jefferson, Wis.
Carnation Co.....	Chilton, Wis.
Carnation Co.....	Oconomowoc, Wis.
Carnation Co.....	Richland Center, Wis.
Carnation Co.....	Sparta, Mich.
Pet Milk Co.....	Belleville, Wis.
Pet Milk Co.....	Coopersville, Mich.
Pet Milk Co.....	Hudson, Mich.
Pet Milk Co.....	New Glarus, Wis.
Pet Milk Co.....	Wayland, Mich.
White House Milk Co.	West Bend, Wis.
White House Milk Co.	Manitowoc, Wis.

(2) The price per hundredweight computed by the market administrator in accordance with the following formula: from the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period during which such milk was received, subtract 3 cents, add 20 percent, and multiply the resulting amount by 3.5: *Provided*, That such price shall be

increased by the amount resulting from the following computation: from the average of the carlot prices per pound of nonfat dry milk solids, roller and spray process, f. o. b. manufacturing plants, as published by the Department of Agriculture for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 4 cents, and multiply the net result by  $8\frac{1}{2}$ .

(b) *Class I milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class I milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class I shall be—		
	Skim milk	Butterfat	4-percent milk
Under \$2.00.....	\$0.781	\$50.00	\$2.75
\$2.00 or over but under \$2.25.....	.833	55.00	3.00
\$2.25 or over but under \$2.50.....	.885	60.00	3.25
\$2.50 or over but under \$2.75.....	.938	65.00	3.50
\$2.75 or over but under \$3.00.....	.990	70.00	3.75
\$3.00 or over.....	1.042	75.00	4.00

(c) *Class II milk prices.* Subject to the provisions of (f) of this section, the minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class II milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class II shall be—		
	Skim milk	Butterfat	4-percent milk
Under \$2.00.....	\$0.729	\$45.00	\$2.50
\$2.00 or over but under \$2.25.....	.781	50.00	2.75
\$2.25 or over but under \$2.50.....	.833	55.00	3.00
\$2.50 or over but under \$2.75.....	.885	60.00	3.25
\$2.75 or over but under \$3.00.....	.938	65.00	3.50
\$3.00 or over.....	.990	70.00	3.75

(d) *Class III milk prices.* The minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk and butterfat in producer milk received which is classified as Class III milk, shall be determined from the following schedule:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class III shall be—		
	Skim milk	Butterfat	4-percent milk
Under \$2.00.....	\$0.656	\$43.00	\$2.35
\$2.00 or over but under \$2.25.....	.708	48.00	2.60
\$2.25 or over but under \$2.50.....	.760	53.00	2.85
\$2.50 or over but under \$2.75.....	.812	58.00	3.10
\$2.75 or over but under \$3.00.....	.865	63.00	3.35
\$3.00 or over.....	.917	68.00	3.60



*Provided*, That the prices per hundredweight of skim milk and butterfat in Class III milk shall be not less, respectively, than the prices per hundredweight of skim milk and butterfat (other than in butter) in Class IV milk.

(e) *Class IV milk prices.* The minimum prices to be paid by each handler, f. o. b. his fluid milk plant, for that portion of skim milk or butterfat in producer milk received which is classified as Class IV milk, shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the price determined as the value of skim milk pursuant to the proviso in (a) (2) of this section, divided by 0.96.

(2) The price per hundredweight of such butterfat shall be the price per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture for the delivery period, multiplied by 120: *Provided*, That the price per hundredweight of butterfat made into butter shall be such price per hundredweight, less \$3.60.

(f) *Prices of Class I milk and Class II milk disposed of outside the marketing area.* The price to be paid by a handler for Class I milk or Class II milk disposed of outside the marketing area shall be the same as the price applicable within the Columbus, Ohio, marketing area: *Provided*, That Class I milk or Class II milk disposed of in another marketing area covered by a Federal milk marketing agreement or order, issued pursuant to the act, shall be the price applicable within the Columbus, Ohio, marketing area, pursuant to this section, or the price applicable for milk of similar use or disposition in the other marketing area, whichever is higher.

(g) *Emergency price provisions.* (1) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(2) Whenever the Secretary finds and announces that the price of Class I milk or Class II milk computed for any delivery period pursuant to (b) and (c) of this section is above a level which is in

the public interest, the price of Class I milk or Class II milk for such delivery period shall be the same as the corresponding price for Class I milk or Class II milk for the delivery period immediately preceding.

SEC. 6. *Determination of uniform price to producers*—(a) *Computation of total value of producer milk for each handler.* The value of producer milk received by each handler during each delivery period shall be a sum of money computed by the market administrator by multiplying by the respective class prices for skim milk and butterfat, the hundredweight of skim milk and butterfat therein according to its classification pursuant to section 4 (f), and adding together the resulting amounts: *Provided*, That if such handler received milk, skim milk, or cream from a handler who received no producer milk other than that of his own production and disposed of the skim milk or butterfat contained therein as other than in the lowest priced use of the receiving handler, there shall be added an amount equal to the difference between (1) the value of such skim milk or butterfat at the price of such lowest priced use and (2) the value computed in accordance with its class use: *Provided further*, That if such handler, after subtracting all receipts other than producer milk has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited as having been received in producer milk, there shall be added a further amount equal to the classification value of such skim milk or butterfat: *And provided also*, That if, in the verification of the reports or payments of such handler for any previous delivery period, the market administrator discovers errors which result in payments due the producer-settlement fund or the handler, there shall be added, or subtracted, as the case may be, the amount necessary to correct such errors.

(b) *Computation of pool value of producer milk for each handler.* The pool value of producer milk received by each handler during each delivery period shall be the total value computed for him pursuant to (a) of this section, subject to a butterfat differential adjustment computed as follows: (1) determine the amount by which the weighted average butterfat test of such handler's producer milk as computed pursuant to section 4 (f) is greater or less than 4.0 percent; (2) multiply such variance from 4.0 percent by the total hundredweight of such producer milk; (3) multiply the resulting amount of butterfat by the price for butterfat in Class IV milk as computed prior to the application of the proviso in section 5 (e) (2); and (4) add to the total value computed under (a) of this section if the weighted average butterfat test of such producer milk is less than 4.0 percent, or subtract from such value if such test is higher than 4.0 percent, the total amount computed in (3) of this paragraph.

(c) *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler of (1) the

amount and value of his milk in each class as computed pursuant to section 4 (f) and (a) of this section, respectively, the totals of such amounts and values including any adjustments thereto, and the pool value computed pursuant to (b) of this section; (2) the uniform price computed pursuant to (d) of this section; (3) the amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and (4) the amounts to be paid by such handler pursuant to sections 8 and 9.

(d) *Computation of uniform price.* For each delivery period, the market administrator shall compute a uniform price per hundredweight for producer milk by:

(1) Combining into one total the values computed pursuant to (b) of this section for all handlers who made the payments required pursuant to section 7 for the previous delivery period;

(2) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(3) Dividing by the hundredweight of producer milk pooled; and

(4) Subtracting not less than 4 cents nor more than 5 cents. The result shall be known as the "uniform price" per hundredweight for producer milk of 4.0 percent butterfat content.

(e) *Butterfat differential.* For each delivery period, the market administrator shall compute (to the nearest one-tenth cent) a butterfat differential by dividing by 1,000 the price of butterfat in Class IV milk as computed pursuant to section 5 (e) (2) prior to the application of the proviso therein.

SEC. 7. *Payment for milk*—(a) *Time and method of final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for the hundredweight of milk received from such producer, an amount computed by multiplying such milk by not less than the uniform price, subject to the butterfat differential announced pursuant to section 2 (c) (9).

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (c) of this section and out of which he shall make all payments to handlers pursuant to (d) of this section: *Provided*, That the market administrator shall offset any such payment due any handler against payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value computed for him pursuant to section 6 (b) for such delivery period is greater than the sum required to be paid by such handler pursuant to (a) of this section.

(d) *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period,



the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to (a) of this section is greater than the total value computed for him pursuant to section 6 (b) for such delivery period: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available, and no handler who, on the 15th day after the end of the delivery period, has not received full payment for such delivery period from the market administrator pursuant to this paragraph shall be deemed to be in violation of (a) of this section if he reduces uniformly for all producers his payments per hundredweight thereunder by a total amount not in excess of the reduction in payment from the producer-settlement fund.

(e) *Adjustment of errors.* Whenever audit by the market administrator of the payment required to be made by a handler to a producer pursuant to (a) of this section discloses payment of less than is required, the handler shall make up such payment not later than the time for making payment pursuant to (a) of this section next following such disclosure.

SEC. 8. *Expense of administration.* As his prorata share of the expense which necessarily will be incurred in the maintenance and functioning of the office of the market administrator, and in the performance of the duties of the market administrator, each handler, with respect to all receipts, during each delivery period, of skim milk and butterfat (except receipts from other handlers) in (1) producer milk and (2) other source milk at a fluid milk plant, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, that amount per hundredweight of such receipts not to exceed 2 cents, which is determined (subject to review by the Secretary) and announced by the market administrator on or before the 10th day after the end of such delivery period.

SEC. 9. *Marketing services.*—(a) *Deductions.* Except as set forth in (b) of this section, each handler for each delivery period shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made to each producer pursuant to section 7 (a), and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association which, as determined

by the Secretary, has its entire activities under the control of its members and meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in (a) of this section, each handler shall make, in lieu of the deductions specified in (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 12th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

SEC. 10. *Effective time, suspension, or termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof obstructs, or does not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all

funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 12. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

SEC. 13. *Separability of provisions.* If any provisions of this order, or the application thereof to any person or circumstances, is held invalid, the remainder of the order and the application of such provision to other persons or circumstances, shall not be affected thereby.

This report filed at Washington, D. C., this 24th day of October 1945.

C. W. KITCHEN,  
Assistant Administrator for Regulatory and Marketing Service Matters, Production and Marketing Administration.

[F. R. Doc. 45-19732; Filed, Oct. 25, 1945; 11:12 a. m.]

## DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD 123]

MASTER BUILDERS ASSN. ET AL.

FINDINGS AS TO CONTRACTS IN PROSECUTION OF WAR

In the matter of Master Builders Association et al., Washington, D. C. Case No. S-2886.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Local No. 77 of the International Union of Operating Engineers and the members of the Master Builders Association and certain other concerns engaged in activities in connection with construction, reconstruction and repair of buildings, works and facilities in and around Washington, D. C.,

I find that the construction, reconstruction or repair of buildings, works and facilities other than for ordinary residential purposes, and the transportation of materials and maintenance of equipment used in such construction, reconstruction or repair, by any of the concerns involved in the above dispute, pursuant to any contract whether or not with the United States, is contracted for in the prosecution of the war within the



meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 24th day of October 1945.

L. B. SCHWELLENBACH,  
Secretary.

[F. R. Doc. 45-19725; Filed, Oct. 25, 1945;  
11:06 a. m.]

[WLD 124]

ACE LINES, INC.

#### FINDING AS TO CONTRACT IN PROSECUTION OF WAR

In the matter of Ace Lines, Inc., Fargo, North Dakota. Cases Nos. S-2946, S-3044.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Ace Lines, Inc., Fargo, North Dakota,

I find that the motor transportation of livestock and other commodities by Ace Lines, Inc., Fargo, North Dakota, pursuant to contracts with meat-packing and industrial concerns, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 24th day of October 1945.

L. B. SCHWELLENBACH,  
Secretary.

[F. R. Doc. 45-19726; Filed, Oct. 25, 1945;  
11:06 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 5329]

PIXACOL CO.

#### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of October, A. D. 1945.

In the matter of Bernard Singerman, an individual, trading as Pixacol Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, November 15, 1945, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 410, Federal Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial ex-

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aminer is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-19728; Filed, Oct. 25, 1945;  
11:11 a. m.]

[Docket No. 5356]

#### INTERNATIONAL ASSOCIATION OF ELECTROTYPERS AND STEREOTYPERS, INC., ET AL.

#### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of October, A. D. 1945.

In the matter of International Association of Electrotypers and Stereotypers, Inc., et al.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, November 7, 1945, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 410, Federal Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of fact; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 45-19729; Filed, Oct. 25, 1945;  
11:11 a. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supp. Vesting Order 5290]

AMERICAN ASKANIA CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 125, dated August 28, 1942, as amended, that American Askania Corpora-

tion is a business enterprise within the United States and a national of a designated enemy country (Germany);

2. Finding that Askania-Werke, A. G., has a claim against American Askania Corporation, which is represented on the books and records of American Askania Corporation as an account payable in the sum of \$15,135.12, as of December 31, 1944, subject to any accruals or deductions thereafter, and which represents an interest in American Askania Corporation;

3. Finding that Askania-Werke, A. G., is a corporation organized under the laws of, and maintaining its principal place of business in Germany and is a national of a designated enemy country (Germany);

and determining:

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all terminations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interest of Askania-Werke, A. G., in American Askania Corporation, more fully described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1945.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-19743; Filed, Oct. 25, 1945;  
11:28 a. m.]

[Supp. Vesting Order 5291]

KNOOP, LANGE & CO., INC.

Under the authority of the Trading with the Enemy Act, as amended, and



Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 340, dated November 6, 1942, as amended, that Knoop, Lange & Co., Inc., is a business enterprise within the United States and a national of a designated enemy country (Germany) and that Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange, Karl Ludwig Lange, and Albrecht Mueller-Pearse & Company are nationals of a designated enemy country (Germany);

2. Finding that Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange, Karl Ludwig Lange and Albrecht Mueller-Pearse & Company have a claim against Knoop, Lange & Co., Inc., which is represented on the books and records of Knoop, Lange & Co., Inc., as a declared but unpaid dividend in the amount of \$2,077.51, as of December 21, 1944, payable to Rotterdamsche Bankvereeniging, N. V., of Rotterdam, Holland, subject to any accruals or deductions thereafter and which represents an interest in Knoop, Lange & Co., Inc.;

and determining:

3. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the interests of Carl C. Albrecht, Heinrich Mueller-Pearse, Karl Heinz Lange, Karl Ludwig Lange and Albrecht Mueller-Pearse & Company in Knoop, Lange & Co., Inc., more fully described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 23, 1945.

[SEAL]

JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 45-19744; Filed, Oct. 25, 1945;  
11:28 a.m.]

[Vesting Order 5294]

CALISTA MARIE PABST

In re: Bank accounts, claims, securities and interests in mortgages owned by Calista Marie Pabst.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Calista Marie Pabst, whose last known address is Chemnitz, Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations owing to Calista Marie Pabst by Chase National Bank of the City of New York, 11 Broad Street, New York, New York, arising out of a Custodian Bank Account, Account No. FS-87818-X, entitled Chase National Bank as custodian for Calista M. Pabst, and a bank account, Account No. FS-88197, entitled Calista M. Pabst, William L. Bowman, Attorney in fact, sole beneficiary of Estate of Zellie Rolker, and any and all rights to demand, enforce and collect the same,

b. All right, title, interest and claim of any name or nature whatsoever of Calista Marie Pabst in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Calista Marie Pabst by William L. Bowman, Attorney, 6 East 45th Street, New York, New York, and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same, and including particularly those certain monies deposited in the personal account of William L. Bowman, Attorney, at Corn Exchange Bank Trust Company, New York, New York, and maintained at the branch office of the aforesaid bank which is known as the Grand Central Branch, representing the proceeds received in payment of Guarantee No. 200012, Lawyers Mortgage Company, out of Certificate No. 93, Title Guarantee and Trust Company, as trustee, issued under a Declaration of Trust, dated January 18, 1937, the certificate evidencing the interest in this participation being Certificate No. 2777, dated November 10, 1939, issued by the Title Guarantee and Trust Company to, and registered in the name of, Calista M. Pabst, c/o William L. Bowman, Attorney,

c. All right, title, interest and claim of any name or nature whatsoever of Calista Marie Pabst in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Calista Marie Pabst, by Chase National Bank of the City of New York, 11 Broad Street, New York, New York, including but not limited to that certain sum of money deposited in the Chase National Bank of the City of New York, in the name of Neacco Real Estate Corporation arising out of the ownership by Calista Marie Pabst of Certificate No. 90, representing common capital stock in Neacco Real Estate Corporation, and any and all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect the same,

d. Mortgage participation in the amount of \$6,420.21 in that certain bond and mortgage of McGraw Realty Co., et al., in the original amount of \$705,250 which mortgage is on premises known at 231 W. 49th Street,

New York, New York, and described as Chase National Bank No. 1890, together with all instruments evidencing such participation, and the right to enforce and collect the same,

e. Mortgage participation in the amount of \$7,936.90 in that certain bond and mortgage of Aldus Construction Co., Inc., et al., in the original amount of \$151,461.29 which mortgage is on premises known as 600 W. 186th Street, New York, New York, and described as Chase National Bank No. 2745, together with all instruments evidencing such participation, and the right to enforce and collect the same,

f. Mortgage participation in the amount of \$3,491.27 in that certain bond and mortgage of 42 E. 11th Street Hotel Corporation, in the original amount of \$266,000 which mortgage is on premises known as 25-27 E. 10th Street, New York, New York, and described as Chase National Bank No. 2920, together with all instruments evidencing such participation, and the right to enforce and collect the same,

g. Mortgage participation in the amount of \$4,300.50 in that certain bond and mortgage of 30 Charlton Street Corporation, in the original amount of \$237,900 which mortgage is on premises known as 26-32 Charlton Street, New York, New York, and described as Chase National Bank No. 2936, together with all instruments evidencing such participation, and the right to enforce and collect the same,

h. Sixty-two and one-half percent (62½%) interest in a mortgage of Louise Brown Purdy, dated October 30, 1930, covering the premises known as 197 Nelson Road, Scarsdale, Westchester County, New York, recorded in the Office of the Register of the County of Westchester, New York, on April 1, 1941, in Liber 3251 of Mortgages, Page 385, and any and all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and

i. Those certain securities particularly described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds



thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 24, 1945.

[SEAL] FRANCIS J. McNAMARA,  
Deputy Alien Property Custodian.

## EXHIBIT A

Certificate No., Description, and Amount of Participation or Number of Shares

77; 6% income debenture dated July 13, 1939 Riverside-127th Street Corporation. This debenture is one of a total issue of \$160,000 issued by the above named corporation.....	\$3,312.50
90; 5½% income debenture dated July 13, 1939 Neacco Real Estate Corporation. This debenture is one of a total issue of \$170,000.....	625.00
78; common capital stock par value \$1.00 Riverside-127th Street Corporation.....	Shares 132½
90; common capital stock par value \$1.00 Neacco Real Estate Corporation.....	12½
619; 1 shilling par value capital stock of Nyassa Plantation Ltd., registered in the name of Charles Marvin Bolker.....	1843.75
V-2502; Lawyers Mortgage Company capital stock registered in the name of Calista M. Pabst.....	12

[F. R. Doc. 45-19745; Filed, Oct. 25, 1945; 11:28 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

HUDSON MOTOR CAR CO.

## ADJUSTMENT OF MAXIMUM PRICES

The order issued and effective October 18, 1945, to Hudson Motor Car Company and distributors authorizing them to adjust maximum prices after delivery of 1945 or 1946 model year passenger automobiles is corrected in the following respects:

1. The paragraph designated paragraph (1) is corrected by adding the words "distributors and" following the words "sell and deliver to" and before the word "dealers".

This correction shall be effective as of October 18, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19719; Filed, Oct. 24, 1945; 4:42 p. m.]

## GENERAL MOTORS CORP.

## ADJUSTMENT OF MAXIMUM PRICES

The passenger automobile manufacturers and the Office of Price Administration are now engaged in determining what the maximum prices will be on sales of new passenger automobiles. While this determination is being made, the General Motors Corporation wishes to distribute the new automobiles it is currently producing. These automobiles will be distributed to dealers for use as showroom cars. The distribution will be made in part through distributors, key point dealers, and direct dealers. The order authorizing adjustable pricing, issued and effective October 17, 1945, for General Motors Corporation did not extend the authorization to distributors, key point dealers, direct dealers, and dealers under distributors and key point dealers. Such authorization is necessary for these resellers when they sell at wholesale if the automobiles are to reach the retail dealers for showroom purposes. This revised order extends the adjustable pricing authority to these resellers for sales at wholesale that was granted to General Motors Corporation in the previous order. Of course, the adjustable pricing authority does not extend to sales made to consumers.

Therefore, in accordance with the Emergency Price Control Act of 1942, as amended, it is ordered:

The order issued and effective October 17, 1945, authorizing adjustable pricing to the General Motors Corporation under Maximum Price Regulation 594 is redesignated revised order and is amended and revised to read as set forth herein:

(1) The General Motors Corporation, General Motors Building, Detroit, Michigan, is authorized to sell and deliver each 1945 or 1946 model year automobile it manufactures at the maximum price permitted under section 6 of Maximum Price Regulation 594 to be adjusted upwards after delivery is made by the amount of the difference between that maximum price and the maximum price it may be authorized by the Office of Price Administration to charge under section 7 or 8 of Maximum Price Regulation 594 for the same automobile.

(2) Distributors and dealers are authorized to sell and deliver to other distributors and dealers automobiles of 1945 or 1946 model year manufactured by General Motors Corporation at maximum prices permitted by sections 11 and 13 of Maximum Price Regulation 594 to be adjusted upwards after delivery is made by the amount of differences between those maximum prices and the maximum prices that may be authorized by the Office of Price Administration under section 7 or 8 of Maximum Price Regulation 594 for the same automobiles.

(3) This revised order applies to the General Motors Corporation, and also applies to its distributors and dealers only when they sell to other distributors and dealers. It does not apply to sales at retail.

(4) This revised order shall be effective as of October 24, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19720; Filed, Oct. 24, 1945; 4:43 p. m.]

[RMFR 165, Order 2 Under Rev. Supp. Service Reg. 50]

SEARS, ROEBUCK AND CO.

## APPROVAL OF MAXIMUM PRICE

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.648 (c) (4), Revised Supplementary Service Regulation No. 50 to Revised Maximum Price Regulation No. 165, it is ordered:

(a) *What this order does.* This order establishes a maximum price for the service of converting Coldspot Ice Refrigerators, Models No. 412160-A and 42236-A into Coldspot Electric Refrigerators, furnishing the mechanical refrigerator units, labor and materials, and pick-up and delivery incidental to the service by Sears, Roebuck and Company, Chicago, Illinois and its branch stores listed in its application, dated June 26, 1945.

(b) *Applicability of Revised Maximum Price Regulation 165.* Except as provided to the contrary, all other provisions of Revised Maximum Price Regulation 165, and any applicable supplementary service regulation shall apply to any person supplying the service of converting Coldspot Ice Refrigerators into Coldspot Electric Refrigerators subject to this regulation.

(c) *Maximum price.* The maximum price for the service of converting a Coldspot Ice Refrigerator into a Coldspot Electric Refrigerator shall be \$99.50. Lower prices than those established by this order may be charged.

(d) *Converting.* The service of "converting" within the meaning of this order shall comprise as a minimum all of the following:

- (1) Pick-up and delivery.
- (2) Furnishing and installation of new mechanical refrigerating unit, model #244202.
- (3) Remove and replace food compartment liner.
- (4) Dry and remove deteriorated paint on insulation side of exterior shell.
- (5) Re-insulate cabinet.
- (6) Install light receptacle.
- (7) Touch-up to cabinet exterior.
- (8) Replace breaker strips where necessary.
- (9) Furnish and install drain-hole plate.
- (10) Any additional operations and materials necessary to insure efficient operation as a mechanical refrigerator.

(e) *Revocation and amendment.* This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 26th day of October 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19762; Filed, Oct. 25, 1945; 11:43 a. m.]



[MPR 260, Order 1920]

E. &amp; T. CIGAR CO.

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) E. & T. Cigar Company, 1014 Mount Rose Avenue, York, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Union Treaty	Handmade	50	Per M \$56	Cents 7
Daily Habit	Daily Habit	50	75	10
Daily Habit Jr.	Daily Habit Jr.	50	56	7

(b) The manufacturer, and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The no-

tice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19622; Filed, Oct. 23, 1945; 3:33 p. m.]

[MPR 260, Order 1921]

JOSEPH LA MONICA CIGAR CO.

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Joseph La Monica Cigar Company, 10825 Magnolia Blvd., No. Hollywood, Calif. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Florida Belle	Brevas	50	Per M \$56.00	Cents 7
	Palmas	50	154.00	20
	Billmores	50	93.75	2 for 25
	Panetelas	50	75.00	10
	Coronas	50	115.00	15

<sup>1</sup> These prices apply to this brand and frontmark using only imported Havana (Type S1) except 40 percent Puerto Rico long filler.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not

be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19623; Filed, Oct. 23, 1945; 3:30 p. m.]

[MPR 260, Order 1922]

JOHN TSCHIDA

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) John Tschida, 909 West Seventh Street, St. Paul 2, Minn. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Rosa Domita	5-Inch	50	Per M \$64	Each \$8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic



cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19624; Filed, Oct. 23, 1945;  
3:33 p. m.]

[MPR 260, Order 1923]

AIDA CIGAR FACTORY

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Aida Cigar Factory, 1308 11th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum

list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Aida.....	Panetela.....	50	Per M \$75.00	Cents 10
	London.....	50	108.75	2 for 29
	Media Corona.....	50	108.75	2 for 29

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19625; Filed, Oct. 23, 1945;  
3:33 p. m.]

[MPR 260, Order 1924]

ABE KNOLL

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Abe Knoll, 2597 Jerome Avenue, Bronx 58, N. Y. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Whitehouse.....	Boquet.....	50	Per M \$48	Cents 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.



(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19626; Filed, Oct. 23, 1945;  
3:34 p. m.]

[MPR 260, Order 1925]

PAUL G. KLINE

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, It is ordered, That:

(a) Paul G. Kline, East Prospect, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Union Planter...	Londres.....	50	Per M \$64	Cents 8

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be)

in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19627; Filed, Oct. 23, 1945;  
3:34 p. m.]

[MPR 260, Order 1926]

#### SUNSHINE CIGAR FACTORY

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, It is ordered, That:

(a) Sunshine Cigar Factory, 3001 Ybor Street (rear), Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
State Cigar.....	Pequeno.....	50	Per M \$90.00	Cents 12
	Beacons.....	50	101.25	2 for 27
	Chico.....	50	93.75	2 for 25
	Grande.....	50	93.75	2 for 25
	Kings.....	50	101.25	2 for 27
	Little Kings.....	50	93.75	2 for 25
	Brevas.....	50	169.00	22
	Epleures.....	50	135.00	18

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the

manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19628; Filed, Oct. 23, 1945;  
3:34 p. m.]

[MPR 260, Order 1927]

BEN T. LA MOTTE

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, It is ordered, That:

(a) Ben T. La Motte, 436 Fernleaf Avenue, Corona Del Mar, Calif. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:



Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
W. O. R.....	W. O. R.....	50	Per M \$80	Cents 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19629; Filed, Oct. 23, 1945; 3:34 p. m.]

[MPR 260, Order 1928]

M. RODRIGUEZ & Co.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) M. Rodriguez and Company, 1302 Cordelia Street, Tampa 7, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Nenita.....	Kings Grandes.	50	Per M \$101.25	Cents 2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19630; Filed, Oct. 23, 1945; 3:35 p. m.]

[MPR 260, Order 1929]

LA MERCEDES CIGAR FACTORY

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) La Mercedes Cigar Factory, 2103 E. Columbus Drive, Tampa, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Rufino.....	Rufinos.....	50	Per M \$93.75	Cents 2 for 25
	Kings.....	50	101.25	2 for 27

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted,



charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19631; Filed, Oct. 23, 1945;  
3:35 p. m.]

[MPR 260, Order 1930]

GABRIEL RAMOS NIEVES

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Gabriel Ramos Nieves, Dr. Veve Street, #148, Bayamon, P. R. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Coronas	5-inch	50	Per M \$44	Cents 2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order,

but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19632; Filed, Oct. 23, 1945;  
3:35 p. m.]

[MPR 260, Order 1931]

RAMONA URRUTIA

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*

(a) Ramon Urrutia, Bo. Corcega, Rincon, P. R. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Ramona Urrutia	Breva Corona	50	Per M \$60	Cents 2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19633; Filed, Oct. 23, 1945;  
3:35 p. m.]

[MPR 260, Order 1932]

VICENTE DURAN

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered, That:*



(a) Vicente Duran, #66 Barbosa Street, Aguadilla, P. R. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Boricuas.....	Boricuas Junior.	50	Per M \$56	Cents 7
	Boricuas Special.	50	72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

No. 211—5

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19634; Filed, Oct. 23, 1945;  
3:36 p. m.]

[MPR 260, Order 1933]

EDGEWOOD CIGAR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; It is ordered, That:

(a) Edgewood Cigar Company, Edgewood Avenue, Red Lion, Pa. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Old Judge.....	Invincible.....	50	Per M \$72	Cents 9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for

which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 23d day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19635; Filed, Oct. 23, 1945;  
3:36 p. m.]

[Order 84 Under 3 (e)]

TAUBER MFG. CO.

#### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith; It is ordered:

(a) Maximum prices for sales of the fuel igniting agent, composed of magnesium, sodium nitrate crystals coated with a waterproofing compound and cellulose filler material packaged in a kraft paper package, in four oz. containers, manufactured by Tauber Manufacturing Company, 1500 Ash Avenue, Independence, Missouri, are established as follows:

	Each
For sales by Manufacturer.....	\$0.135
For sales by distributor.....	.155
For sales by retailer.....	.20

The above prices are f. o. b. seller's shipping point except in the case of the retailer in which event the above prices are delivered.

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of the aforesaid commodity to a distributor or retailer, the manufacturer shall furnish such distributor or retailer with a written notice containing the schedule of maximum prices set out in paragraph (a) above, and a statement that they have been established by the Office of Price Administration.

(d) Prior to making any delivery of such commodity, after the effective date of this order, the manufacturer shall mark or cause to be marked thereon the following legend:

Maximum retail price—20 cents.

This order shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19673; Filed, Oct. 24, 1945;  
11:44 a. m.]



[MPR 120, Order 1500]

## INDIAN CREEK COAL CO. ET AL.

## ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in

which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.

INDIAN CREEK COAL CO., c/o JOE SELLARS, VIRGIE, KY., INDIAN CREEK MINE, ELKHORN #3 SEAM, MINE INDEX No. 7501, PIKE COUNTY, KY., RAIL SHIPPING POINT, VIRGIE, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5, SUBDISTRICT 1

	Size group Nos.													
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18	19	20, 21
Price classification.....	K	K	K	K	H	H	G	E	C	C	D	G	G	G
Rail shipments and railroad fuel <sup>1</sup> .....	380	375	365	365	360	350	330	330	330	385	315	310	300	295
Truck shipment.....	395	375	350	350	335	310	275	270						

MARS COAL CO., c/o DR. B. F. WRIGHT, SECO, KY., No. 2 MINE, ELKHORN SEAM, MINE INDEX No. 7491, LETCHER COUNTY, KY., RAIL SHIPPING POINT, FLEMING, KY., F. O. G. 62, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5, SUBDISTRICT 1

	H	H	H	H	F	F	E	E	C	C	A	D	D	D
Price classification.....	395	390	375	375	370	355	335	330	330	385	320	315	315	315
Rail shipments and railroad fuel <sup>1</sup> .....	395	375	350	350	335	310	275	270						
Truck shipment.....														

MILLER & CHRISTY, c/o ALBERT S. MILLER, BANCROFT, W. VA., MILLER A. CHRISTY MINE, PLYMOUTH SEAM, MINE INDEX No. 7496, PUTNAM COUNTY, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5, SUBDISTRICT 4

Truck shipment.....	395	375	350	350	335	310	275	270						
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MUZZLE COAL CO., c/o C. B. WORRELL, PINEVILLE, W. VA., JUSTICE MINE, GILBERT SEAM, MINE INDEX No. 7509, WYOMING COUNTY, W. VA., RAIL SHIPPING POINT, JUSTICE, W. VA., F. O. G. 230, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 4, SUBDISTRICT 5

	K	K	K	K	E	E	D	E	C	E	A	E	E	E
Price classification.....	380	375	365	365	385	355	340	330	330	385	320	310	305	305
Rail shipments and railroad fuel <sup>1</sup> .....	405	385	355	355	335	320	275	270						
Truck shipment.....														

CRATE RICE, PAINTSVILLE, KY., CRATE RICE MINE, MILLERS CREEK SEAM, MINE INDEX No. 7497, JOHNSON COUNTY, KY., RAIL SHIPPING POINT, HAGER HILL, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 2, SUBDISTRICT 1

	D	D	D	D	E	E	E	E	C	C	A	G	G	G
Price classification.....	420	410	410	395	385	355	335	330	330	385	320	310	300	295
Rail shipments and railroad fuel <sup>1</sup> .....	430	410	365	380	345	320	275	270						
Truck shipment.....														

C. L. ROHR & SON COAL CO., P. O. BOX 293, NORTON, VA., ROHR MINE, IMBODEN SEAM, MINE INDEX No. 7505, WISE COUNTY, VA., RAIL SHIPPING POINT, DORCHESTER, VA., F. O. G. 200, STRIP MINE MAXIMUM TRUCK PRICE GROUP No. 5, SUBDISTRICT 7

	O	O	O	O	K	K	J	F	C	E	B	F	F	F
Price classification.....	360	355	340	340	360	350	330	330	330	385	320	310	305	305
Rail shipments and railroad fuel <sup>1</sup> .....	395	375	350	350	335	310	275	270						
Truck shipment.....														

FRANK WITTEN, SITKA, KY., FRANK WITTEN MINE, MILLERS CREEK SEAM, MINE INDEX No. 7498, JOHNSON COUNTY, KY., RAIL SHIPPING POINT, PAINTSVILLE, KY., F. O. G. 61, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 2, SUBDISTRICT 1

	D	D	D	D	E	E	E	E	C	C	A	G	G	G
Price classification.....	420	410	410	395	385	355	335	330	330	385	320	310	300	295
Rail shipments and railroad fuel <sup>1</sup> .....	430	410	365	380	345	320	275	270						
Truck shipment.....														

WYATT COAL CO., BOX 62, HAZARD, KY., WYATT COAL CO. MINE, HAZARD No. 4 SEAM, MINE INDEX No. 7502, PERRY COUNTY, KY., RAIL SHIPPING POINT, CORNETTSVILLE, KY., F. O. G. 100, DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 5, SUBDISTRICT 3

	K	K	K	K	J	J	H	G	E	G	D	K	K	K
Price classification.....	380	375	365	365	360	350	330	325	325	360	315	300	295	295
Rail shipments and railroad fuel <sup>1</sup> .....	395	375	350	350	335	310	275	270						
Truck shipment.....														

<sup>1</sup> Subject to the provisions of Revised Order No. 1432 under MPR 120 above rail prices plus \$0.50.

<sup>2</sup> Subject to Amendment No. 3 of Revised Order 1432 under MPR 120 above rail prices plus \$0.50.

This order shall become effective October 25, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19674; Filed, Oct. 24, 1945; 11:48 a. m.]

[MPR 120, Order 1501]

## CASTLE SHANNON COAL CORP. ET AL.

## ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 6. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.217 and all other provisions of Maximum Price Regulation No. 120.

CASTLE SHANNON COAL CORP., WARASH BLDG., PITTSBURGH (22), PA., CASTLE SHANNON No. 4 MINE, PITTSBURGH No. 8 SEAM, MINE INDEX No. 1004, BROOKS COUNTY, W. VA., RAIL SHIPPING POINT, ROCKDALE, W. VA., STRIP MINE

	Size group Nos.											
	1, 2	3, 4	5	6	7, 8	9	10	12				
Rail shipment and railroad fuel, all uses.....	338	313	308	273	313	243	308					
Truck shipment.....	383	308	313	288								

ELMER D. WILLIS, R. D. No. 1, Box 347, WELLSBURG, W. VA., JAMISON MINE, PITTSBURGH No. 8 SEAM, MINE INDEX No. 1005, BROOKS COUNTY, W. VA., DEEP MINE

	Size group Nos.							
	1, 2	3, 4	5	6	7, 8			
Truck shipment.....	393	378	323	298				



ZIMNOX COAL CO., 104 HARDING AVE., STEUBENVILLE, OHIO, ZIMNOX No. 8 MINE, PITTSBURGH No. 8 SEAM, MINE INDEX No. 1006, BROOKE COUNTY, W. VA., RAIL SHIPPING POINT, WELLSBURG, W. VA., STRIP MINE

	Size group Nos.							
	1, 2	3, 4, 5	6	7, 8	9	10	12	
Rail shipment and railroad fuel, all uses	338	313	308	273	313	243	308	
Truck shipment	383	308	313	288				

This order shall become effective October 25, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19675; Filed, Oct. 24, 1945; 11:46 a. m.]

[MPR 120, Order 1502]

#### HIYASOTA FUEL & STRIPPING CO. ET AL

#### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

HIYASOTA FUEL & STRIPPING CO., JEROME, PA., HIYASOTA No. 3-B MINE, B SEAM, MINE INDEX No. 5521, CAMBRIA COUNTY, PA., SUBDISTRICT 30, RAIL SHIPPING POINT, JOHNSTOWN, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	A	A	A	A	C
Rail shipment	385	370	360	345	330
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	385	360	360	350	330

HIYASOTA FUEL & STRIPPING CO., JEROME, PA., HIYASOTA No. 3-C MINE, O' SEAM, MINE INDEX No. 5522, CAMBRIA COUNTY, PA., SUBDISTRICT 30, RAIL SHIPPING POINT, JOHNSTOWN, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

HIYASOTA FUEL & STRIPPING CO., JEROME, PA., HIYASOTA No. 3-D MINE, D SEAM, MINE INDEX No. 5523, CAMBRIA COUNTY, PA., SUBDISTRICT 30, RAIL SHIPPING POINT, JOHNSTOWN, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	H	H	H	H	H
Rail shipment	330	330	310	285	285
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	350	325	325	315	305

HIYASOTA FUEL & STRIPPING CO., JEROME, PA., HIYASOTA No. 3-E MINE, E SEAM, MINE INDEX No. 5524, CAMBRIA COUNTY, PA., SUBDISTRICT 30, RAIL SHIPPING POINT, JOHNSTOWN, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

J. J. FRAIN COAL CO., 239 MEYERS AVENUE, MEYERSDALE, PA., FRAIN (SEWICKLEY) MINE, SEWICKLEY SEAM, MINE INDEX No. 5511, SOMERSET COUNTY, PA., SUBDISTRICT 41, RAIL SHIPPING POINT: BLUE LICK SPUR, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	E	E	E	E	E
Rail shipment	383	363	363	343	343
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	393	368	368	358	348

J. J. FRAIN COAL CO., 239 MEYERS AVENUE, MEYERSDALE, PA., FRAIN (REDSTONE) MINE, REDSTONE SEAM, MINE INDEX No. 5512, SOMERSET COUNTY, PA., SUBDISTRICT 41, RAIL SHIPPING POINT, BLUE LICK SPUR, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	H	H	H	H	H
Rail shipment	358	358	338	313	313
Railroad locomotive fuel	348	348	333	323	323
Truck shipment	378	353	353	343	333

CENTRAL MOSHANNON COAL MINING CO., HOUTZDALE, PA., CENTRAL MOSHANNON No. 4 MINE, E SEAM, MINE INDEX No. 5517, CLEARFIELD COUNTY, PA., SUBDISTRICT 13, RAIL SHIPPING POINT, CARNWATH, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

CAVALIER COAL CO., c/o E. D. HOEHEIMER, NORFOLK (10), VA., LEHIGH No. 22 MINE, A SEAM, MINE INDEX No. 5554, CENTRE COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, SNOW SHOE, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

This order shall become effective October 25, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19676; Filed, Oct. 24, 1945; 11:47 a. m.]

[MPR 120, Order 1503]

#### LEE HOLLOW COAL CO., ET AL.

#### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

LEE HOLLOW COAL CO., 32 NORTH SECOND ST., CLEARFIELD, PA., CLOVER RUN No. 1-C MINE, O' SEAM, MINE INDEX No. 5527, CLEARFIELD COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT, MAHAFFEY, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

LEE HOLLOW COAL CO., 32 NORTH SECOND ST., CLEARFIELD, PA., CLOVER RUN No. 1-D MINE, D SEAM, MINE INDEX No. 5526, CLEARFIELD COUNTY, PA., SUBDISTRICT 7, RAIL SHIPPING POINT, MAHAFFEY, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

MCCORD COAL CO., MARION CENTER, PA., GLENSIDE No. 10 MINE, D SEAM, MINE INDEX No. 5556, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, STARFORD, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

W. L. MCINTOSH, 417 JUNIATA ST., DU BOIS, PA., MCINTOSH No. 2 MINE, D SEAM, MINE INDEX No. 5515, CLEARFIELD COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, DU BOIS, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315



MOREHOUSE BROTHERS, R. F. D. No. 4, KEYSER, W. VA., HAMPSHIRE No. 2 MINE, BIG VEIN SEAM, MINE INDEX No. 5549, MINERAL COUNTY, W. VA., SUBDISTRICT 44, RAIL SHIPPING POINT, HAMPSHIRE, W. VA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	D	D	D	D	D
For all methods of shipment; for all uses.....	405	385	385	370	370

Subject to the provisions of Order No. L-439 under MPR 120.

EARL PUGH, R. D. #1, CLYMER, PA., BARBER MINE, D SEAM, MINE INDEX No. 5599, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, DIXONVILLE, PA., DEEP MINE.

	F	F	F	F	F
Price classification.....	363	363	363	333	333
Rail shipment.....	348	348	333	323	323
Railroad locomotive fuel.....	388	363	363	353	343
Truck shipment.....	388	363	363	353	343

S. B. & S. COAL CO., POTTSVILLE, PA., S. B. & S. No. 3 MINE, D SEAM, MINE INDEX No. 5514, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT, RINGGOLD, PA., STRIP MINE

	E	E	E	E	E
Price classification.....	355	335	335	315	315
Rail shipment.....	320	320	305	295	295
Railroad locomotive fuel.....	365	340	340	330	320
Truck shipment.....	365	340	340	330	320

WINDBER HIGH GRADE COAL CO., c/o W. F. ALLISON, WINDBER, PA., EDNA No. 2 MINE, C SEAM, MINE INDEX No. 1853, CAMBRIA COUNTY, PA., SUBDISTRICT 29, RAIL SHIPPING POINT, SOUTH FORK, PA., DEEP MINE

	E	E	E	E	E
Price classification.....	393	363	363	343	343
Rail shipment.....	348	348	333	323	323
Railroad locomotive fuel.....	393	368	368	358	348
Truck shipment.....	393	368	368	358	348

<sup>1</sup> Previously established.

This order shall become effective October 25, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19677; Filed, Oct. 24, 1945; 11:47 a. m.]

[MPR 120, Order 1504]

GILBERT COAL CO. ET AL.

#### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such

amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.214 and all other provisions of Maximum Price Regulation No. 120.

GILBERT COAL CO., DRAWER 757, MORGANTOWN, W. VA., GILBERT MINE, PITTSBURGH SEAM, MINE INDEX No. 2172, MONONGALIA COUNTY, W. VA., RAIL SHIPPING POINT, MORGANTOWN, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	Size group Nos.				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment and railroad fuel.....	308	308	288	283	273
Truck shipment.....	343	343	313	308	298

LEXINGTON COAL CO., c/o FAIRMONT HOTEL, FAIRMONT, W. VA., No. 369 MINE, SEWICKLEY SEAM, MINE INDEX No. 2170, MARION COUNTY, W. VA., RAIL SHIPPING POINT, WORTHINGTON, W. VA., STRIP MINE, MAXIMUM TRUCK PRICE GROUP No. 4

	J	J	J	J	J
Price classification.....	293	293	278	278	263
Rail shipment and railroad fuel.....	318	313	283	278	268
Truck shipment.....	318	313	283	278	268

EARL RUTHERFORD, WATSON, W. VA., NIXON No. 1 MINE, PITTSBURGH SEAM, MINE INDEX No. 727, MARION COUNTY, W. VA., RAIL SHIPPING POINT, KINGMONT, W. VA., DEEP MINE.

	DE	DE	DE	DE	DE
Price classification.....	318	313	298	283	273
Rail and river shipment and railroad fuel.....	343	343	313	308	298
Truck shipment.....	343	343	313	308	298

<sup>1</sup> Previously established.

<sup>2</sup> The maximum prices on rail shipped coals which analyze 1.35% or under in sulphur for size group No. 4 is 298; for size group No. 5 is 293, for all uses.

WESTON BRICK & TILE CO., WESTON, W. VA., No. 2 MINE, REDSTONE SEAM, MINE INDEX No. 2171, LEWIS COUNTY, W. VA., RAIL SHIPPING POINT, WESTON, W. VA., DEEP MINE, MAXIMUM TRUCK PRICE GROUP No. 3

	F	F	H	F	F
Price classification.....	308	308	278	283	273
Rail shipment and railroad fuel.....	343	343	313	308	298
Truck shipment.....	343	343	313	308	298

This order shall become effective October 25, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19678; Filed, Oct. 24, 1945; 11:48 a. m.]

[MPR 188, Amdt. 1 to Order 1976]

FLUORESCENT LIGHTING CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.158 of Maximum Price Regulation No. 188 and filed with the Division of the Federal Register, It is

ordered, That Order No. 1976 issued under § 1499.158 of Maximum Price Regulation No. 188, is amended in the following respect:

The last paragraph of paragraph (a) (1) (i) is amended to read as follows:

These prices are f. o. b. factory, city, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated April 18, 1944. For all sales and deliveries of these articles made by the manufacturer on a delivered basis beyond the limits of the city of Monticello, New York, the maximum prices are the f. o. b. factory prices established as above, plus the lowest common carrier charge for the particular shipment from Monticello, New York to the point of delivery.

All other provisions of Order No. 1976 remain in effect.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective on the 25th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19680; Filed, Oct. 24, 1945; 11:50 a. m.]

[MPR 120, Order 1505]

ADAMS COAL CO., INC., ET AL.

#### ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 8. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.219 and all other provisions of Maximum Price Regulation No. 120.



PINNACLE SMOKELESS COAL CO., C/O V. L. ALLEN, RICHMOND, VA., Pinnacle Mine, Cary Seam, Mine Index No. 704, Buchanan & Fawcett Counties, VA., Rail Shipping Point, Graceland, VA., F. O. G. 21, Strip Mine, Maximum Truck Price Group No. 6, Subdistrict 9 (Low Volatile)

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	C	C	D	D	D	D	C	C	E	E		
Rail shipments and railroad fuel.....	405	415	390	350	335	385	330	315	310	305		
Truck shipment.....	430	430	445	395	425	360	300	295				

Railroad locomotive fuel (for Mine Index 7514):

Any single-screened, lump or double-screened coals..... 375

Run of mine..... 360

Screenings larger than 1/4" x 0 but not exceeding 2 1/2" x 0..... 345

Screenings 1/4" x 0 and smaller..... 320

ROBINSON AND WHITE COAL CO., SWORDS CREEK, VA., No. 1 Mine, Widow Kennedy Seam, Mine Index No. 7517, Russell County, VA., Rail Shipping Point, Raven, VA., F. O. G. 20, Deep Mine, Maximum Truck Price Group No. 5, Subdistrict 7.

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	K	K	K	K	E	E	E	E	C	E	D	K
Rail shipments and railroad fuel.....	380	375	365	385	385	355	335	330	330	385	315	300
Truck shipment.....	395	375	350	350	335	310	275	270				285

DICK RATLIFF, PAINTSVILLE, KY., DICK RATLIFF MINE, MILLERS CREEK SEAM, Mine Index No. 7307, Johnson County, KY., Rail Shipping Point, Paintsville, KY., F. O. G. 61, Deep Mine, Maximum Truck Price Group No. 2, Subdistrict 1

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	D	D	D	D	E	E	E	E	C	E	D	K
Rail shipments and railroad fuel.....	420	410	410	395	385	355	335	330	330	385	315	300
Truck shipment.....	430	410	365	380	345	320	275	270				285

DEET L. WILLIAMS, FULTON ROAD, KNOXVILLE, TENN., WALDEN RIDGE MINE, NELSON-SWANEE SEAM, Mine Index No. 7513, Anderson County, Tenn., Rail Shipping Point, Marlowe and Poplar, Tenn., F. O. G. 40, Strip Mine, Maximum Truck Price Group No. 5, Subdistrict 6

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	O	O	O	O	H	H	G	G	E	G	C	K
Rail shipments and railroad fuel.....	375	370	355	355	355	345	340	340	340	375	330	310
Truck shipment.....	395	375	350	350	335	310	275	270				

This order shall become effective October 25, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19679; Filed, Oct. 24, 1945; 11:48 a. m.]

[MPR 188, Amdt. 1 to Order 2180]

FLUORESCENT LIGHTING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and

ADAMS COAL CO. INC., WHITESBURG, KY., ADAMS COAL CO. INC. MINE, ELKHORN SEAM, Mine Index No. 7510, Letcher County, KY., Rail Shipping Point, Belcraft, KY., F. O. G. 62, Deep Mine, Maximum Truck Price Group No. 3, Subdistrict 3

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	K	K	K	K	K	K	J	G	E	G	D	J
Rail shipments and railroad fuel.....	380	375	365	365	360	350	330	325	325	360	315	310
Truck shipment.....	395	375	350	350	335	310	275	270				295

1 Subject to provisions of Revised Order No. 1432 under MPR 120.

ARNETT BRANCH COAL CO., C/O ROY FREEMAN, CLAIRFIELD, TENN., ARNETT BRANCH COAL CO. MINE, MASON SEAM, Mine Index No. 7520, Bell County, KY., Rail Shipping Point, Fendale, KY., F. O. G. 111, Deep Mine, Maximum Truck Price Group No. 3, Subdistrict 6

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	O	O	O	O	K	K	K	J	G	E	G	J
Rail shipments and railroad fuel.....	375	370	355	355	355	375	365	345	340	375	330	315
Truck shipment.....	420	400	365	365	335	315	275	270				310

BELFRY COAL CO., C/O TROY T. DESKINS, BELFRY, KY., No. 2 Mine, Pond Creek Seam, Mine Index No. 7313, Pike County, KY., Rail Shipping Point, Sprigg, W. VA., Subdistrict 8, Deep Mine

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )
Rail shipments and railroad fuel.....	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )
Truck shipment.....	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )	( )

\* Previously established.

COLLINS COAL CO., CUMBERLAND, KY., COLLINS COAL CO. MINE, C SEAM, Mine Index No. 7508, Letcher County, KY., Rail Shipping Point, Cumberland, KY., F. O. G. 80, Deep Mine, Maximum Truck Price Group No. 2, Subdistrict 3

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	E	E	E	E	D	D	C	C	A	C	A	E
Rail shipments and railroad fuel.....	410	400	390	385	385	360	340	335	340	385	320	310
Truck shipment.....	430	410	365	380	345	320	275	270				305

1 Subject to the provisions of Revised Order No. 1432 under MPR 120.

OSCAR DOSS, LAYLETTE, W. VA., BEACH FORK COAL CO. MINE, No. 5 Block Seam, Mine Index No. 7516, Wayne County, W. VA., Deep Mine, Maximum Truck Price Group No. 5, Subdistrict 8

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	E	E	E	E	D	D	C	C	A	C	A	E
Rail shipments and railroad fuel.....	410	400	390	385	385	360	340	335	340	385	320	310
Truck shipment.....	430	410	365	380	345	320	275	270				305

W. E. FULTON, GATE CITY, VA., FULTON CANNEL MINE, CANNEL SEAM, Mine Index No. 7512, Scott County, VA., Subdistrict 7, Deep Mine

GANNEL COAL FOR MINE INDEX NO. 7512 FOR TRUCK SHIPMENT

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	15, 16, 17	18, 19, 20, 21
Price classification.....	E	E	E	E	D	D	C	C	A	C	A	E
Rail shipments and railroad fuel.....	410	400	390	385	385	360	340	335	340	385	320	310
Truck shipment.....	430	410	365	380	345	320	275	270				305

Lump..... 450  
Egg..... 400  
Chips..... 350  
Machine Cuttings..... 250



the f. o. b. factory prices established as above, plus the lowest common carrier charge for the particular shipment from Monticello, New York to the point of delivery.

All other provisions of Order No. 2180 remain in effect.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective on the 25th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19681; Filed, Oct. 24, 1945;  
11:44 a. m.]

[MPR 188, 2d Rev. Order 2256]

STATE TABLE CO.

#### APPROVAL OF MAXIMUM PRICES

Revised Order No. 2256 under § 1499.158 of MPR 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; *It is ordered:*

(a) This revised order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by State Table Company, 96 Junius Street, Brooklyn, N. Y.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Kitchen utility cabinet.....	106	Each \$13.18	Each \$15.50
Kitchen utility cabinet.....	105	19.18	22.50

These prices are f. o. b. factory, are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated April 21, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188, and to all sales and deliveries made thirty days after the effective date of this revised order. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to

the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 25th day of October 1945, and shall expire on the 24th day of November 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19682; Filed, Oct. 24, 1945;  
11:49 a. m.]

[MPR 188, Amdt. 1 to Order 3208]

FLUORESCENT LIGHTING CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to § 1499.158 of Maximum Price Regulation No. 188 and filed with the Division of the Federal Register; *It is ordered,* That Order No. 3208 issued under § 1499.158 of Maximum Price Regulation No. 188, is amended in the following respect:

The last paragraph of paragraph (a) (1) (i) is amended to read as follows:

These prices are f. o. b. factory, city, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 2, 1944. For all sales and deliveries of these articles made by the manufacturer on a delivered basis beyond the limits of the city of Monticello, New York, the maximum prices are the f. o. b. factory prices established as above, plus the lowest common carrier charge for the particular shipment from Monticello, New York to the point of delivery.

All other provisions of Order No. 3208 remain in effect.

This amendment may be revoked or amended by the Price Administrator at any time.

This amendment shall become effective on the 25th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19683; Filed, Oct. 24, 1945;  
11:49 a. m.]

[MPR 188, Order 4614]

LEXINGTON MACHINERY & DEVELOPMENT CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.157 of Maximum Price Regulation and section 6.4 of Second Revised Supplementary Regulation No. 14; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of electric toasters manufactured by the Lexington Machinery & Development Company, 619 Lexington Avenue, Clifton, N. J.

(1) For all sales and deliveries of the electric toaster to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model	Maximum prices for sales by any seller to—				
		Distributor	Wholesaler (jobber)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
Chrome plated electric toaster, 2 spring doors...	#12	Each \$2.83	Each \$3.08	Each \$3.64	Each \$3.92	Each \$5.88

These maximum prices are for the article described in the manufacturer's application dated September 20, 1945. They include the Federal Excise Tax.

(2) For sales by the manufacturer, these maximum prices apply to all sales and deliveries after the effective date of this order. The manufacturer's prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days. The prices for sales by persons other than the manufacturer are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement with the correct retail ceiling price filled in:

Order No. 4614

Model No. 12

OPA Retail Ceiling Price \$5.88

Federal Excise Tax Included

Do Not Detach or Obliterate

OR

Lexington Machinery & Development Co.

619 Lexington Avenue

Clifton, New Jersey

Model No. 12

OPA Retail Ceiling Price \$5.88

Federal Excise Tax Included

Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.



(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 25th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19684; Filed, Oct. 24, 1945;  
11:45 a. m.]

[MPR 246 and RMPR 136, Rev. Order 85]

FRIEND MFG. CO.

#### DETERMINATION OF MAXIMUM PRICES

Revised Order No. 85 under Maximum Price Regulation 246—manufacturers' and wholesale prices for farm equipment and Revised Maximum Price Regulation 136—machines, parts and industrial equipment. Friend Manufacturing Company. Docket Nos. 6083-246-64A-58 and 6083-136-21-431.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 64a of Maximum Price Regulation 246 and section 21 of Revised Maximum Price Regulation 136; *It is ordered:*

Order No. 85 under Maximum Price Regulation 246 and Revised Maximum Price Regulation 136 is redesignated Revised Order No. 85 under Maximum Price Regulation 246 and Revised Maximum Price Regulation 136, and is revised and amended to read as follows:

(a) The maximum prices for sales by Friend Manufacturing Company, Gasport, New York, of farm equipment, including sprayers, pumps, dusters, fruit sizers and graders and under Maximum Price Regulation 246 and commercial fruit sizers, graders and pumps under Revised Maximum Price Regulation 136, and of all repair and replacement parts, for the above items, which it manufactures or sells, shall be determined as follows: The Company shall increase by 8.2% the list prices it had in effect to the purchaser of the same class just prior to the issuance of this order.

(b) The maximum prices for sales by resellers of the items of farm equipment and commercial fruit sizers and graders and pumps manufactured or sold by Friend Manufacturing Company shall be determined by applying to the list prices established by Friend Manufacturing Company pursuant to paragraph (a) of this order all applicable discounts, allowances and other deductions that such reseller had in effect to the purchaser of the same class just prior to the issuance of this order.

(c) Friend Manufacturing Company shall notify each person who purchases any items referred to in paragraph (a) for resale of the amount this order permits the reseller to increase his maximum price. A copy of each such notice shall be filed with the Machinery Branch of the Office of Price Administration, Washington 25, D. C.

All requests not granted herein are denied.

This revised order may be revoked or amended by the Administrator at any time.

This revised order shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19685; Filed, Oct. 24, 1945;  
11:45 a. m.]

[MPR 260, Amdt. 1 to Order 271]

JOSEPH SWOARDS

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered, That:*

The maximum prices for the "Hand-made-Perfecto" cigar set forth in paragraph (a) of Order No. 271 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
Handmade.....	Perfecto.....	50	Per M \$60	Cents 2 for 15

This amendment shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19686; Filed, Oct. 24, 1945;  
11:48 a. m.]

[MPR 260, Amdt. 2 to Order 1111]

H. K. CIGAR CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation 260; *It is ordered, That:*

The maximum prices for the "Heldic-Heldic" cigar set forth in Paragraph (a) of Order No. 1111 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
Heldic.....	Heldic.....	50	Per M \$75	Cents 10

This amendment shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19687; Filed, Oct. 24, 1945;  
11:45 a. m.]

[MPR 260, Amdt. 1 to Order 1410]

P. B. CIGAR MFG. CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pur-

suant to § 1358.102 (b) of Maximum Price Regulation; 260; *It is ordered, That:*

The maximum prices for the "Miracle-Dukes" and "Rivola-Queens" cigars set forth in Paragraph (a) of Order No. 1410 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Pack- ing	Maxi- mum list price	Maxi- mum retail price
Miracle.....	Dukes.....	50	Per M \$90	Cents 12
Rivola.....	Queens.....	50	90	12

This amendment shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19688; Filed, Oct. 24, 1945;  
11:46 a. m.]

[MPR 580, Amdt. 1 to Order 166]

BIENEN-DAVIS

#### ESTABLISHMENT OF MAXIMUM PRICES

MPR 580, Order No. 166, Amendment 1. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-227; Bienen-Davis.

For the reasons set forth in the opinion issued simultaneously herewith, paragraph (a) of Order No. 166 is amended by adding the following:

LADIES' HANDEAGS		Retail
Manufacturer's selling price:		ceiling price
\$4.75 .....		\$7.95
\$20.00 .....		39.50
\$25.00 .....		49.50

This order shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19689; Filed, Oct. 24, 1945;  
11:45 a. m.]

[MPR 580, Amdt. 1 to Order 202]

AUGUSTA KNITTING CORP.

#### ESTABLISHMENT OF MAXIMUM PRICES

MPR 580, Order No. 202, Amendment 1. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-266; Augusta Knitting Corporation.

For the reasons set forth in the opinion issued simultaneously herewith, paragraph (a) of Order No. 202 is amended by adding the following:

MEN'S UNDERWEAR			
Brand name	Designa- tion	Manu- fac- turer's selling price	Retail ceiling price
Jones Quality Health.....	3 AU.....	\$21.16	\$3.00
Underwear.....	3 SU.....	25.22	3.50



This order shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19690; Filed, Oct. 24, 1945;  
11:45 a. m.]

[MPR 591, Order 72]

SARGENT & Co.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; It is ordered:

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following Screen Door Latch manufactured by the Sargent and Company and as described in the application which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to jobbers	On sales to retailers
Model OB 5775 TC, brass screen door latch.....	Dozen \$10.85	Dozen \$14.45

(b) The maximum price for sales by any person to consumers of the following Screen Door Latch manufactured by the Sargent and Company, shall be:

	On sales to consumers (each)
Model OB 5775 TC, brass screen door latch.....	\$1.80

(c) The maximum net prices established by this order shall be subject to discounts and allowances, including transportation allowances and price differentials which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) Each seller covered by this order, except retailers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except retailers, upon resale.

(e) The Sargent and Company shall print on the box containing the screen door latch priced by this order, the following:

OPA Maximum Retail Price \$1.80 Each

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19691; Filed, Oct. 24, 1945;  
11:44 a. m.]

[MPR 591, Order 73]

ALLIED HARDWARE CORP.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, It is ordered:

(a) The maximum net prices, f. o. b. shipping point for sales by any person of the following builders' hardware items manufactured by the Allied Hardware Corporation of New York, New York, shall be:

Item	On sales to jobbers	On sales to retailers
(All of these items made of zinc alloy casting, prime coated, black lacquered hand relieved finish.)		
Letter drops (with screws).....	Each \$0.75	Each \$1.00
Door knocker (with screws).....	.75	1.00
17 inches dummy hinge strap (with screws).....	Per set \$0.90	Per set \$1.20
24 inches dummy hinge strap (with screws).....	1.10	1.50

(b) The maximum net prices for sales by any person to consumers shall be:

Item:	Consumer's net delivered price
(All of these items made of zinc alloy casting, prime coated, black lacquered hand relieved finish.)	
Letter drops (with screws).....	\$1.50 each.
Door knocker (with screws).....	\$1.50 each.
17 inches dummy hinge strap (with screws).....	\$1.80 per set.
24 inches dummy hinge strap (with screws).....	\$2.20 per set.

(c) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and price differentials and the rendition of services which are at least as favorable as those which each seller extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) Each seller covered by this order, except retailers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except retailers, upon resale.

(e) The Allied Hardware Corporation shall print on the box containing the items priced by this order the following:

OPA Maximum Retail Price—\$-----

(f) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19692; Filed, Oct. 24, 1945;  
11:49 a. m.]

[MPR 591, Order 74]

BALLY CASE AND COOLER CO.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; It is ordered:

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following frozen food cabinets manufactured by the Bally Case and Cooler Company of Bally, Pennsylvania, and as described in the application dated August 11, 1945, which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

	On sales to distributors	On sales to dealers	On sales to consumers
Series 6100 and SC6100—14 cu. ft. ....	\$262	\$314	\$524
Series 8600 and 8600SC—20 cu. ft. ....	357	428	714

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: \$6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except retailers transportation and crating charges.

(f) The Bally Case and Cooler Company of Bally, Pennsylvania, shall stencil on the lid or cover of the frozen food cabinets covered by this order, substantially the following:

OPA Maximum Retail Price—\$-----

Plus freight and crating as provided in Order No. 74 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 25, 1945.



Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19393; Filed, Oct. 24, 1945;  
11:46 a. m.]

[MPR 591, Order 75]

ALAMO POTTERY, INC.

#### AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum list prices, f. o. b. point of manufacture, for sales on an uninstalled basis to any person by the Alamo Pottery, Inc., of the following commodities shall be:

Travis No. 101 vitreous china close coupled combination complete with fittings except supply and stop.....	\$19.00
Tank cover only.....	2.50
Bowl only with spud.....	7.40
Tank complete with cover and fittings, except supply and stop.....	11.60

(b) The maximum list prices established for sales by the Alamo Pottery, Inc. in (a) above shall be subject to successive discounts of 20 and 5 percent with full freight allowed on all shipments.

(c) The maximum list prices for sales on an uninstalled basis by a plumbing and heating jobber of the following commodities, shall be:

(1) On sales to plumbing and heating contractors, installers, commercial and industrial suppliers:

Travis No. 101 vitreous china close coupled combination complete with fittings except supply and stop.....	\$19.00
Tank cover only.....	2.50
Bowl only with spud.....	7.40
Tank complete with cover and fittings, except supply and stop.....	11.60

(2) On sales to all other persons:

Travis No. 101 vitreous china close coupled combination complete with fittings except supply and stop.....	\$20.90
Tank cover only.....	2.75
Bowl only with spud.....	8.15
Tank complete with cover and fittings, except supply and stop.....	12.75

(d) The maximum list price for sales on an uninstalled basis by retailers to any person of the following commodities shall be:

Travis No. 101 vitreous china close coupled combination complete with fittings except supply and stop.....	\$20.90
Tank cover only.....	2.75
Bowl only with spud.....	8.15
Tank complete with cover and fittings, except supply and stop.....	12.75

(e) In addition to the discounts enumerated in (b) above all sellers shall extend or render discounts, allowances and services at least as favorable as those as each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities during March 1942.

No. 211—6

(f) The maximum prices for sales on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(g) Each seller, except on sales to consumers, shall notify in writing, each of his purchasers at or before the time of the first invoice after the effective date of this order, of the maximum prices established by this order for sales by each seller to such purchasers and the maximum resale price established for such purchasers.

(h) Order No. 3839 under § 1499.158 of Maximum Price Regulation No. 188 is revoked.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 25, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19694; Filed, Oct. 24, 1945;  
11:46 a. m.]

[MPR 188, Revocation of 2d Rev. Order 3242]

BURNETTE CASTINGS CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

Second Revised Order No. 3242 issued under § 1499.158 of Maximum Price Regulation No. 188 on September 14, 1945 is hereby revoked and Revised Order No. 3242 issued on April 28, 1945 is reinstated to remain in full force and effect.

This order shall become effective on the 24th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19713; Filed, Oct. 24, 1945;  
4:43 p. m.]

[MPR 188, Order 4616]

MEIER ELECTRIC & MACHINE CO.

#### APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order established maximum prices for sales and deliveries of certain articles manufactured by Meier Electric & Machine Company, 3225 E. Washington Street, Indianapolis, Ind.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesalers (jobbers)	Retailers (6 or more units)	Retailers (less than 6 units)	Consumers
Windo-fan....	313F	Each \$25.65	Each \$30.31	Each \$32.64	Each \$49.07

These maximum prices are for the articles described in the manufacturer's application dated October 4, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices include the Federal Excise Tax. These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail price properly filled in:

Order No. 4616

Model No. ....

OPA Retail Ceiling Price—\$.....

Federal Excise Tax Included

Do Not Detach or Obliterate

OR

Meier Electric & Machine Company

3225 E. Washington Street

Indianapolis, Indiana

Model No. ....

OPA Retail Ceiling Price—\$.....

Federal Excise Tax Included

Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 24th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19714; Filed, Oct. 24, 1945;  
4:43 p. m.]



[MPR 591, Order 76]

## AMERICAN GAS MACHINE CO., INC.

## AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 12 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum delivered prices, excluding federal excise taxes for sales by any person to consumers of the following gas-fired water heaters manufactured by the American Gas Machine Company, Inc. of Albert Lea, Minnesota, shall be:

Model No. 6482—20 gallon gas-fired water heater.....	\$56.00
Model No. 6482-B—20 gallon bottled gas-fired water heater.....	61.00
Model No. 6483—30 gallon gas-fired water heater.....	66.00
Model No. 6483-B—30 gallon bottled gas-fired water heater.....	71.00

(b) The maximum net prices, excluding federal excise taxes, f. o. b. point of shipment for sales by any person to dealers of the following gas-fired water heaters manufactured by the American Gas Machine Company, Inc. of Albert Lea, Minnesota, shall be the maximum prices specified in (a) above subject to the following discounts:

	Percent
(1) On sales of less than 5 heaters.....	3 1/2
(2) On sales of 5 or more heaters.....	40

(c) The maximum net prices, excluding federal excise taxes, for sales by any person to jobbers of the following gas-fired water heaters manufactured by the American Gas Machine Company, Inc. of Albert Lea, Minnesota, shall be:

	Zone A	Zone B	Zone C	Zone D
Model No. 6482—20 gallon gas-fired water heater.....	\$25.95	\$26.50	\$26.95	\$27.95
Model No. 6482-B—20 gallon bottled gas-fired water heater.....	28.45	29.00	29.45	30.45
Model No. 6483—30 gallon gas-fired water heater.....	29.95	31.00	31.95	32.95
Model No. 6483-B—30 gallon bottled gas-fired water heater.....	32.45	33.50	34.45	35.45

(d) The maximum net prices specified in (c) above are f. o. b. point of manufacture with the following freight allowances:

	Per cwt.
Zone A.....	\$0.50
Zone B.....	1.00
Zone C.....	1.50
Zone D.....	2.00

The boundaries of the various zones referred to above shall be those set forth on a map filed by the American Gas Machine Company, Inc. as part of its application for the approval of maximum prices for the commodities covered by this order.

(e) In addition to the discounts and allowances provided for elsewhere in this order, each seller shall extend such discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered, or would have extended or rendered to purchasers of the same class

on comparable sales of similar commodities during March 1942.

(f) The maximum prices for sales on the installed basis for the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(g) Each seller, except on sales to consumers, shall notify in writing each of his purchasers at or before the time of the first invoice after the effective date of this order of the maximum prices established by this order for his sales to such purchasers and the maximum prices established for such purchasers' resale, except dealers.

(h) The American Gas Machine Company of Albert Lea, Minnesota, shall stencil in a conspicuous place on each of the gas-fired water heaters covered by this order the maximum prices to consumer established by this order and shall identify such price as the maximum price to consumer, excluding federal excise tax.

(i) Order No. 4030 under § 1499.158 of Maximum Price Regulation No. 188, effective July 5, 1945, establishing maximum prices for sales by any person of several models of gas-fired water heaters manufactured by the American Gas Machine Company of Albert Lea, Minnesota, is hereby revoked.

(j) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 24, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19715; Filed, Oct. 24, 1945; 4:43 p. m.]

[MPR 598, Order 2]

## EDISON GENERAL ELECTRIC APPLIANCE CO.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to sections 13 and 21 of Maximum Price Regulation No. 598, *It is ordered:*

(a) This order establishes maximum prices for sales by distributors to dealers of the refrigerator models listed below manufactured by Edison General Electric Appliance Co., Inc., 5600 West Taylor Street, Chicago 44, Ill.

Model	Maximum prices for sales to—	
	Servicing dealers	Non-servicing dealers
EA-6-46.....	Each \$98.95	Each \$106.35
EA-7-46.....	112.48	119.88
EB-7-46.....	132.42	139.82

These prices include the Federal excise tax and the four year replacement contract. They are f. o. b. distributor's warehouse. The distributor may add \$3.25 to the above ceiling prices for a

refrigerator equipped with a left door. In all other respects the above ceiling prices are subject to each seller's customary terms, discounts, allowances, and other price differentials, in effect on sales for similar articles.

(b) At the time of or prior to the first invoice to each distributor the manufacturer shall notify him of the maximum prices established by this order for resales by the distributor.

(c) All the provisions of Maximum Price Regulation No. 598 continue to apply to all sales and deliveries of refrigerators covered by this order except to the extent that those provisions are modified by this order.

(d) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 598 shall apply to the terms used herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19716; Filed, Oct. 24, 1945; 4:43 p. m.]

[MPR 598, Order 3]

## GENERAL ELECTRIC CO.

## APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 13 and 21 of Maximum Price Regulation No. 598; *It is ordered:*

(a) This order establishes maximum prices for sales by distributors to dealers of the refrigerator models listed below manufactured by the General Electric Company, 1285 Boston Avenue, Bridgeport, Conn., as follows:

Model	Maximum price for sales to—	
	Servicing dealers	Non-servicing dealers
	Each	Each
LB6-46.....	\$98.95	\$106.35
LB7-46.....	112.48	119.88
JB7-46.....	132.42	139.82

These prices include the Federal excise tax and the four year replacement contract. They are f. o. b. distributor's warehouse. The distributor may add \$3.25 to the above ceiling prices for a refrigerator equipped with a left door. In all other respects the above ceiling prices are subject to each seller's customary terms, discounts, allowances, and other price differentials in effect on sales for similar articles.

(b) At the time of or prior to the first invoice to each distributor the manufacturer shall notify him of the maximum prices established by this order for resales by the distributor.



(c) All the provisions of Maximum Price Regulation No. 598 continue to apply to all sales and deliveries of refrigerators covered by this order except to the extent that those provisions are modified by this order.

(d) Unless the context otherwise requires the definitions set forth in Maximum Price Regulation No. 598 shall apply to the terms used herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 24th day of October 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19717; Filed, Oct. 24, 1945;  
4:44 p. m.]

[SO 119, Order 7]

ARTCREST MFG. CO.

#### ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* The Arterrest Manufacturing Co., 1856 No. Kostner Avenue, Chicago 39, Illinois, may increase by no more than 15.5% its ceiling prices to each class of purchaser, in effect immediately before this order was issued, for its sales of the metal utility cabinets which it manufactures.

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale of articles which the manufacturer has sold at adjusted ceiling prices permitted by this order, shall determine their adjusted ceiling prices as follows:

(1) If the purchaser for resale determines his ceiling prices under Maximum Price Regulation 580 by the use of a pricing chart, he shall use as the cost the actual invoice price to him, and the ceiling prices so determined shall not be increased in any amount.

(2) If the purchaser for resale has established his ceiling prices under the General Maximum Price Regulation for his resales of the article prior to the issuance of this order, he may increase each such ceiling price by the percentage by which his supplier increased his price as permitted by this order, but not more than 15.5%.

(3) If the purchaser for resale determines his ceiling prices under § 1499.2 of the General Maximum Price Regulation, he may increase the ceiling price so determined by the percentage by which his supplier increased his price as permitted by this order, but not more than 15.5%.

(4) If the purchaser for resale determines his ceiling prices under § 1499.3 (a) of the General Maximum Price Regulation, which requires that ceiling prices be based on the seller's cost, he shall use the actual invoice price to him as his cost, and the ceiling prices so determined shall not be increased in any amount.

(5) Ceiling prices hereafter established by order of the Office of Price Administration under § 1499.3 (c) of the General Maximum Price Regulation, when that is the applicable pricing provision, will be based on the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a price adjusted in accordance with the terms of this order, the seller shall notify each purchaser in writing of the methods established in paragraph (b) for determining adjusted ceiling prices for resales of the articles covered by this order. In addition, the seller shall notify the purchaser of the percentage by which the seller increased his prices in accordance with the terms of this order. This notice may be given in any convenient form.

(e) *Effective date.* This order shall become effective on October 24, 1945.

Issued this 24th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19718; Filed Oct. 24, 1945;  
4:42 p. m.]

[MPR 592, Amdt. 13 to Order 1]

#### READY MIXED CONCRETE

##### MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order 1 under Maximum Price Regulation No. 592 is amended in the following respect:

Section 4.4 is amended to read as follows:

SEC. 4.4 *Modification of maximum prices of ready-mixed concrete.* The manufacturer's maximum prices established pursuant to Maximum Price Regulation 592, for ready-mixed concrete may be increased by adding to the established maximum prices per cubic yard for each specification of that commodity an amount not to exceed the actual dollars-and-cents additional cost, rounded off to the nearest \$0.05 per cubic yard, resulting from the price increase for sales of cement permitted by Amendments Nos. 6, 9, 10, and 11 to Maximum Price Regulation No. 224. The term "manufacturer" as used here means any person who makes the first sale of ready-mixed concrete.

This amendment shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19768; Filed, Oct. 25, 1945;  
11:45 a. m.]

[MPR 592, Amdt. 14 to Order 1]

#### SPECIFIED CONSTRUCTION MATERIALS AND REFRACTORIES

##### ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order No. 1 is amended in the following respects:

1. The first paragraph of 5.1 (c) is redesignated as 5.1 (c) (1).

2. A new section 5.1 (c) (2) is added to read as follows:

(2) Manufacturers of refractory products may round off to the nearest \$0.05 the adjusted maximum prices resulting from the increase as permitted in subparagraph (1) above.

This Amendment No. 14 shall become effective October 30, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19769; Filed, Oct. 25, 1945;  
11:45 a. m.]

[SO 94, Rev. Order 33]

WAR DEPARTMENT, ET AL.

#### ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order No. 94, Order No. 33 under Supplementary Order No. 94 is redesignated Revised Order No. 33 and is revised to read as follows:

(a) *What this order does.* This order establishes maximum prices at which scrap whole pneumatic tire casings and scrap inner tubes may be sold by the War Department, the Navy Department, and the Department of Commerce of the United States.

(b) *Maximum prices.* (1) The maximum prices for scrap whole pneumatic tire casings when sold by agencies of the United States Government specified in (a) above, shall be the price for the consuming center listed below to which the freight charge from the seller's shipping point is lowest:

Consuming center:	Dollars per short ton
Akron, Ohio	20.00
Buffalo, N. Y.	19.50
Naugatuck, Conn.	18.50
East Saint Louis, Ill.	18.40
Memphis, Tenn.	17.50
Gadsden, Ala.	16.00
Los Angeles, Calif.	14.00

(2) The maximum prices for miscellaneous scrap rubber containing any scrap whole pneumatic tire casings when sold by agencies of the United States Government specified in (a) above, shall be \$15.00 per short ton.

(3) The maximum prices for scrap inner tubes when sold by agencies of the United States Government specified in (a) above, shall be the prices for the consuming center listed below to which the freight charge from the seller's shipping point is lowest:



Consuming center:	Cents per pound
Akron, Ohio, Buffalo, N. Y., Naugatuck, Conn., East Saint Louis, Ill., Mem- phis, Tenn., Gladson, Ala.	6
Los Angeles, Calif.	5½

(4) All prices established by this order are on an "as is, where is" basis, with packing, shipping, and delivery costs at the buyer's expense.

(c) *Relation to other regulations and orders.* This order with respect to the scrap tires and tubes it covers, supersedes any other regulation or order previously issued by the Office of Price Administration.

(d) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective October 26, 1945.

Issued this 25th day of October 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-19770; Filed, Oct. 25, 1945;  
11:44 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1233]

McCord Corp.

### ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

In the matter of McCord Corporation, Certificates of Deposit for \$3.00 Cumulative Class A Common Stock, No Par Value.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of October, A. D. 1945.

The Chicago Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Certificates of Deposit for \$3.00 Cumulative Class A Common Stock, No Par Value, of McCord Corporation;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on November 2, 1945.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19702; Filed Oct. 24, 1945;  
2:26 p. m.]

[File Nos. 70-947, 70-946]

MINNESOTA UTILITIES CO. ET AL.

### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

In the matter of Minnesota Utilities Company, American Utilities Service

Corporation, File No. 70-947; Northern States Power Company (Minnesota), File No. 70-946.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of October 1945.

American Utilities Service Corporation, a registered holding company, and its wholly-owned subsidiary, Minnesota Utilities Company, having filed a joint declaration, and amendments thereto, with this Commission pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-44 and U-46 promulgated thereunder with respect to the following transactions:

(1) Minnesota Utilities Company proposed to sell to Northern States Power Company, a Minnesota corporation, all of its electric and steam heating properties, for a cash consideration of \$625,000, subject to certain adjustments at the closing date;

(2) Minnesota Utilities Company proposes to use part of the proceeds from such sale for the discharge of its existing obligations, including its note indebtedness held by American Utilities Service Corporation, and to distribute the balance of such proceeds to American Utilities Service Corporation as the holder of all of its stock, the proceeds to be used by American Utilities Service Corporation to reduce its debt. Minnesota Utilities Company then proposes to dissolve.

American Utilities Service Corporation and Minnesota Utilities Company having requested that the Commission enter an order finding that the proposed sale is necessary or appropriate to effectuate the provisions of section 11 (b) of the act and that such order conform to the requirements of section 371 of the Internal Revenue Code, as amended; and

Northern States Power Company, a registered holding company, having filed an application pursuant to sections 9 (a) and 10 of said act regarding the acquisition of the properties of Minnesota Utilities Company; and

The proceedings relating to the above described transactions having been consolidated; and public hearings having been held after appropriate notice, briefs having been filed, and oral argument heard, and the Commission being advised in the premises and having this day entered its findings and opinion herein;

*It is ordered,* That the aforesaid declaration, as amended, of Minnesota Utilities Company and American Utilities Service Corporation, be, and hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24, and to the following additional term and condition:

The Rule U-9 shall not apply to American Utilities Service Corporation, or to any subsidiary thereof, prior to final compliance with our divestment order of June 21, 1944.

*It is further ordered and recited,* That the sale by Minnesota Utilities Company and American Utilities Service Corporation of all of the electric and steam heating properties of Minnesota Utilities

Company, which properties are specified and itemized in our findings and opinion herein, which findings and opinion are hereby incorporated in this order by reference thereto, to Northern States Power Company is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

*It is further ordered,* That the application of Northern States Power Company, be, and hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19698; Filed, Oct. 24, 1945;  
2:26 p. m.]

[File No. 70-1105]

MONONGAHELA POWER CO.

### SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of October, A. D. 1945.

In the matter of Monongahela Power Company, The West Penn Electric Company, American Water Works and Electric Company, Incorporated, File No. 70-1105.

The Commission on August 15, 1945, having issued its order in the above captioned proceeding, granting and permitting to become effective, subject to certain conditions, a joint application-declaration under the Public Utility Holding Company Act of 1935, regarding, among other things, a recapitalization of Monongahela Power Company ("Monongahela"), an operating public utility subsidiary and an exempt holding company in the holding company system of American Water Works and Electric Company, Incorporated ("American"), a registered holding company; said order including, among other things, a condition that American transfer the 200,098½ shares of common stock of Monongahela owned by American to West Penn Electric Company ("Electric"), a direct subsidiary of American and a registered holding company;

American and Electric having now submitted certain data in the form of an amendment to their filing herein, requesting approval of the transfer, required by the order of this Commission herein dated August 15, 1945, in the form of a capital donation by American to Electric; and

It appearing that said transfer would effect compliance with the aforesaid condition in the order of this Commission herein dated August 15, 1945, and is in conformity with the applicable standards of the act;

*It is hereby ordered,* That the joint application-declaration of American and Electric as amended be, and they are hereby, granted and permitted to become effective forthwith, subject to the terms and conditions contained in the



order of this Commission herein dated August 15, 1945, not heretofore complied with.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19700; Filed, Oct. 24, 1945;  
2:26 p. m.]

[File No. 70-1143]

PUBLIC SERVICE CO. OF OKLAHOMA

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATIONS AND DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 17th day of October, A. D., 1945.

Public Service Company of Oklahoma, a public utility subsidiary of Central and South West Utilities Company, a registered holding company which is in turn a subsidiary of The Middle West Corporation, also a registered holding company, having filed applications and declarations and amendments thereto pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale at competitive bidding of \$22,500,000 principal amount of First Mortgage Bonds, Series A, due July 1, 1975, and 98,500 shares of Cumulative Preferred Stock of \$100 par value per share; and

The Commission having by order dated October 8, 1945, granted said applications and permitted said declarations to become effective subject, among other things, to the condition that the proposed issuance of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order entered in the light of the record so completed; and

Public Service Company of Oklahoma having filed a further amendment to the applications and declarations in which it is stated that in accordance with the permission granted by said order of the Commission dated October 8, 1945, it offered said First Mortgage Bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Price to the company <sup>1</sup>	Coupon rate	Cost to the company
Halsey, Stuart & Co., Inc.	Percent 98.7799	Percent 2 3/4	2.810
Harriman, Ripley & Co., Inc., and Central Republic Co., Inc.	98.099	2 3/4	2.815
Glore, Forgan & Co.	98.32	2 3/4	2.834

<sup>1</sup> Plus accrued interest from July 1, 1945.

The said amendment having further stated that Public Service Company of Oklahoma has accepted the bid of Halsey, Stuart & Co., Inc. for said First Mortgage Bonds, as set out above, and that such bonds will be offered for sale to the public at a price of 99.50% of the principal amount thereof, plus accrued

interest, resulting in an underwriter's spread of 0.7201% of the principal amount of said bonds; and

Public Service Company of Oklahoma having further stated in said amendment that in accordance with the permission granted by the said order of the Commission of October 8, 1945, it offered its Cumulative Preferred Stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Dividend rate	Price to company before underwriter's commission	Commission per share	Cost to the company
Glore, Forgan & Co.	Percent 4	Percent 102.75	\$1.55	Percent 3.953
Harriman, Ripley & Co., Inc., and Central Republic Co., Inc.	4.10	101.25	1.95	4.129

<sup>1</sup> Plus accrued dividends from Oct. 1, 1945.

It is further stated in said amendment that Public Service Company of Oklahoma has accepted the bid of Glore, Forgan & Co. for said Cumulative Preferred Stock, as set out above, and that such Preferred Stock will be offered for sale to the public at a price of 102.75% of par value, the underwriter's aggregate commission being \$152,674, representing a commission of \$1.55 per share; and

The Commission having examined the record in the light of said amendment and finding no basis for imposing terms and conditions with respect to the prices to be paid for said securities, the interest and dividend rates thereon, the underwriter's spread and its allocation with respect to the bonds or the underwriter's commission with respect to the preferred stock:

It is ordered, That the jurisdiction heretofore reserved over the prices to be paid for the securities, the interest and dividend rates thereon, the underwriter's spread and its allocation with respect to the bonds and the underwriter's commission with respect to the preferred stock be, and the same hereby is, released and said applications and declarations be, and the same hereby are, granted and permitted to become effective subject, however, to the terms and conditions prescribed in Rule U-24 and to the condition contained in the Commission's order of October 8, 1945.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19703; Filed, Oct. 24, 1945;  
2:26 p. m.]

[File No. 70-1146]

NORTHERN INDIANA PUBLIC SERVICE CO.  
ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of October 1945.

Northern Indiana Public Service Company, a subsidiary of Midland Utilities Company, a registered holding company, having filed a declaration and an amendment thereto pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, and Rule U-42 promulgated thereunder, regarding its proposal to acquire and redeem at the redemption price of \$108 per share plus accrued dividends to date of redemption, not more than 20,000 shares of its outstanding 231,380 shares of \$100 par value 5% cumulative preferred stock; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, Pursuant to the applicable provisions of said act, that the declaration as amended be, and hereby is, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19699; Filed, Oct. 24, 1945;  
2:26 p. m.]

[File No. 70-1154]

UNION ELECTRIC CO. OF MISSOURI

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of October 1945.

Union Electric Company of Missouri, a registered holding company and a public utility subsidiary of The North American Company, also a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale at competitive bidding of (a) \$13,000,000 principal amount of First Mortgage and Collateral Trust Bonds, Series due October 1, 1975, and (b) 40,000 shares of preferred stock without par value; and

The Commission having by order dated October 16, 1945, permitted said amended declaration to become effective subject to the condition that the proposed issuance and sale of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed; and

Union Electric Company of Missouri having filed a further amendment to the amended declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, six bids on said bonds by six groups of underwriters headed by the firms set forth below were received:



Underwriting groups	Coupon rate	Price to company <sup>1</sup> (percent of principal amount)	Annual cost to company
White, Weld & Co., and Shields & Co.	Percent 2 3/4	100.63	2.71912
The First Boston Corp.	2 3/4	100.5999	2.72059
Dillon, Read & Co., Inc.	2 3/4	100.5799	2.72157
Halsey, Stuart & Co., Inc.	2 3/4	100.4199	2.72942
Lehman Bros.	2 3/4	100.419	2.72946
Kuhn, Loeb & Co.	2 3/4	100.29	2.73578

<sup>1</sup> Plus accrued interest from Oct. 1, 1945.

The said amendment having further stated that Union Electric Company of Missouri has accepted the bid of the group headed by White, Weld & Co. and Shields & Company as set out above and that the bonds will be offered for sale to the public at a price of 101.02% of the principal amount thereof plus accrued interest from October 1, 1945, resulting in an underwriters' spread of 0.39% of the principal amount of said bonds; and

Union Electric Company of Missouri having further stated that, pursuant to the invitation for competitive bids, five bids on said preferred stock by five groups of underwriters headed by the firms set forth below were received:

Underwriting groups	Dividend rate	Price to company <sup>1</sup>	Annual cost to company
The First Boston Corp.	\$3.70	\$100.5499	Percent 3.67976
Kuhn, Loeb & Co.	3.70	100.50	3.68159
White, Weld & Co., and Shields & Co.	3.80	101.88	3.72988
Dillon, Read & Co., Inc.	3.80	101.3799	3.74828
Lehman Bros.	3.80	101.079	3.75944

<sup>1</sup> Plus accrued dividends from Aug. 15, 1945.

The amended declaration having further stated that Union Electric Company of Missouri has accepted the bid of the group headed by The First Boston Corporation as set out above and that the preferred stock will be offered for sale to the public at a price of \$101.75 per share plus accrued dividends from August 15, 1945, resulting in an underwriters' spread of \$1.2001 per share; and

A further hearing having been held and the Commission having examined the record herein, and finding no basis for imposing terms and conditions with respect to the prices to be paid to the company for said bonds and preferred stock, the interest and dividend rates thereon, the underwriters' spreads and their allocation, and the redemption and call prices, respectively;

It is ordered, That, subject to the terms and conditions contained in Rule U-24, said declaration, as amended, be and the same is hereby permitted to become effective forthwith; and

It is further ordered, That the jurisdiction heretofore reserved over all legal fees and expenses be and the same is hereby continued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19704; Filed, Oct. 24, 1945; 2:28 p. m.]

[File No. 70-1155]

# MONTANA POWER CO.

## SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pennsylvania, on the 23d day of October, A. D., 1945.

The Commission having on October 12, 1945, issued its order herein under sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 permitting to become effective a declaration as amended, of The Montana Power Company, an electric and gas utility company subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, with respect to the issue and public sale by The Montana Power Company of \$40,000,000 principal amount of First Mortgage Bonds --% Series due 1975 in accordance with Rule U-50 promulgated under said act; and

The Commission in said order having reserved jurisdiction over the price to be paid for such bonds, their redemption prices, the interest rate thereon, the underwriters' spread and its allocation, and all legal fees to be paid in connection with the proposed transactions; and

The Montana Power Company having filed a further amendment to said declaration stating that in accordance with the permission granted by said order of the Commission dated October 12, 1945, it offered said bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Group headed by--	Percent of principal amount <sup>1</sup>	Interest rate	Cost to company
Halsey, Stuart & Co. Inc.	100.2709	Percent 2 7/8	2.8610
Smith, Barney & Co.	100.0899	2 7/8	2.8705
Union Securities Corp.	100.05999	2 7/8	2.8720

<sup>1</sup> Exclusive of accrued interest.

Said amendment further stating that The Montana Power Company has accepted the bid of Halsey, Stuart & Co. Inc. for the bonds as set out above and that the bonds will be offered for sale to the public at a price of 101%, resulting in an underwriters' spread of 0.7201%; and

The Commission having examined said amendment and having considered the record herein, and finding no reasons for imposing terms or conditions with respect to the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon and the underwriters' spread and its allocation;

It is ordered, That jurisdiction heretofore reserved over the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon and the underwriters' spread and its allocation be, and the same hereby is, released and that the said declaration as further amended, be, and the same hereby is permitted to become effective forthwith,

subject, however, to the terms and conditions prescribed in Rule U-24; and

It is further ordered, That jurisdiction heretofore specifically reserved over all legal fees in connection with the said declaration be, and the same hereby is, continued.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19707; Filed, Oct. 24, 1945; 2:28 p. m.]

[File No. 70-1159]

# NORTHERN NATURAL GAS CO.

## ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of October 1945.

Northern Natural Gas Company, a registered holding company and a subsidiary of North American Light & Power Company and The North American Company, both of which are registered holding companies, having filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale at competitive bidding of \$25,000,000 principal amount of Serial Debentures, to mature serially at the rate of \$1,500,000 principal amount in each of the years 1950 to 1955, inclusive, and \$1,600,000 principal amount in each of the years 1956 to 1965, inclusive, and the application of the net proceeds from the issue and sale of the Serial Debentures, together with general funds of the Company, to the redemption of its outstanding First Mortgage and First Lien Bonds, Series A, 3 1/4% due 1961, in the principal amount of \$16,000,000, at the redemption price of \$16,480,000 (103% of the principal amount thereof) and to the construction of additional property and facilities estimated in the amount of \$10,179,000; and

A public hearing having been held, after appropriate notice, upon said declaration, as amended, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the declaration, as amended, be and the same is hereby permitted to become effective, subject to the conditions prescribed by Rule U-24, and subject to the further condition that the issue and sale of the Serial Debentures shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been supplied by amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate; jurisdiction is hereby reserved for the entry of such order and the imposition of such terms and conditions.

It is further ordered, That the ten-day period for inviting bids as provided in Rule U-50 be and the same is hereby



shortened to a period of not less than nine days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19701; Filed, Oct. 24, 1945;  
2:26 p. m.]

[File No. 70-1161]

FLORIDA POWER CORP. AND GENERAL GAS &  
ELECTRIC CORP.

SUPPLEMENTAL ORDER PERMITTING DECLARATION  
TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of October 1945.

General Gas & Electric Corporation ("Gengas"), a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), also a registered holding company, and Florida Power Corporation ("Florida"), a subsidiary of Gengas, having filed a joint declaration and amendment thereto, pursuant to sections 6 (a), 7, and 12 of the Public Utility Holding Company Act of 1935, with respect to, among other things, the sale by Gengas of 396,383.8 shares of Florida reclassified common stock, \$7.50 par value, and the issue and sale by Florida of 142,857 shares of its reclassified common stock, or a total of 539,240.8 shares, in accordance with the competitive bidding requirements of Rule U-50; and

The Commission having by order dated October 11, 1945, permitted the declaration to become effective, subject to the condition, among others, that the proposed issue and sale of securities not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in the proceedings and a further order had been entered by the Commission in the light of the record so completed, jurisdiction having been reserved for this purpose; and

Declarants having on October 23, 1945 filed a further amendment to the declaration stating that they had offered the common stock for sale pursuant to the competitive bidding requirements of Rule U-50 and had received the following bids:

Price per share  
to company

Bidder:  
Kidder, Peabody & Co.; Merrill  
Lynch, Pierce, Fenner & Beane. \$16.2601  
The First Boston Corp.; Harri-  
man Ripley & Co., Inc.; E. H.  
Rollins & Sons, Inc. 16.109

The amendment further stating that the declarants had accepted the bid of Kidder, Peabody & Co. and Merrill Lynch, Pierce, Fenner & Beane for the common stock as set out above, and that the stock will be offered for sale to the public at a price of \$17.00 per share, resulting in an underwriters' spread of \$0.7399 per share; and

The Commission having examined the amendment and having considered the record herein and finding no basis for

imposing terms and conditions with respect to such matter;

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding be, and the same hereby is, released, and that the amendment filed on October 23, 1945 to the declaration be, and hereby is, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the legal fees and expenses of all counsel in connection with the proposed transactions be continued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19705; Filed, Oct. 24, 1945;  
2:28 p. m.]

[File No. 812-385]

PHILADELPHIA FUND, INC., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 23d day of October, A. D. 1945.

In the matter of Philadelphia Fund, Inc., Securities Fund, Edward B. Hodge, Frank J. Wise, File No. 812-385.

Philadelphia Fund, Inc., Philadelphia, Pennsylvania, a registered investment company has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act (1) a transaction in which Securities Fund, an unincorporated association excepted from the definition of investment company by section 3 (c) (1) of the act, proposes to sell to Philadelphia Fund, Inc. in exchange for the latter's shares, securities and cash being that part of the portfolio of Securities Fund which represents the fair market value of the assets appertaining to those units of Securities Fund whose owners consent to the proposed sale (which will result in the liquidation of Securities Fund) and (2) the participation of Edward B. Hodge who owns 10 units and Frank J. Wise who owns 110 units of Securities Fund in the above transaction. Securities Fund is an affiliated person of W. Leonard Alexander who is an affiliated person of the Philadelphia Fund, Inc. Hodge and Wise are affiliated persons of Philadelphia Fund, Inc.

Philadelphia Fund, Inc. has also filed an application pursuant to section 6 (c) of the act for an order exempting it from the provisions of section 14 for the purpose of soliciting acceptances from participants in Securities Fund to the Plan of Organization (whereby it is proposed to exchange units into shares of Philadelphia Fund, Inc.) until December 31, 1945 or until such time as Philadelphia Fund, Inc., shall have a net worth of \$100,000 whichever is earlier.

It is ordered, Pursuant to section 40 (a) of the said act that a hearing on the

forementioned application be held on November 2, 1945 at 10:00 a. m. Eastern Standard Time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the power granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Philadelphia Fund, Inc., Securities Fund, Edward B. Hodge, Frank J. Wise and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19706; Filed, Oct. 24, 1945;  
2:28 p. m.]

[File No. 70-1148]

NORTHERN STATES POWER CO. (MINN.)

SUPPLEMENTAL ORDER PERMITTING DECLARATION  
TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of October 1945.

Northern States Power Company (Minnesota), a registered holding company and a public utility subsidiary of Northern States Power Company (Delaware), also a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale at competitive bidding of \$75,000,000 principal amount of First and Refunding Mortgage Bonds, Series Due October 1, 1975 and the application of the net proceeds from the sale of said bonds together with general funds of declarant to the redemption of \$75,000,000 principal amount of its First and Refunding Mortgage Bonds, 3½% Series Due February 1, 1967 presently outstanding, at the redemption price of 104¼% of the principal amount thereof plus accrued interest to the date of redemption;

The Commission having by order dated October 15, 1945 permitted said amended declaration to become effective subject to the condition that the proposed issuance and sale of securities should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed;

Northern States Power Company (Minnesota) having filed a further amendment to the amended declaration



setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, three bids on said bonds by three groups of underwriters headed by the firms set forth below were received:

Underwriting groups	Coupon rate	Price to company <sup>1</sup> (percent of principal amount)	Annual cost to company
	Percent		Percent
Smith, Barney & Co. ....	2¾	100.34	2.733
Dillon, Read & Co., Inc. ....	2¾	100.1399	2.743
Halsey, Stuart & Co., Inc. ....	2¾	101.8199	2.785

<sup>1</sup> Plus accrued interest from Oct. 1, 1945.

The said amendment having further stated that Northern States Power Com-

pany (Minnesota) has accepted the bid of the group headed by Smith, Barney & Co. as set out above and that the bonds will be offered for sale to the public at a price of 101% of the principal amount thereof plus accrued interest from October 1, 1945, resulting in an underwriters' spread of 0.66% of the principal amount of said bonds; and

A further hearing having been held and the Commission having examined the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid to the company for said bonds, the interest rate thereon, the underwriters' spread and its allocation and the redemption prices:

*It is ordered*, That subject to the terms and conditions contained in Rule U-24 said declaration, as amended, be and the

same is hereby permitted to become effective forthwith.

*It is further ordered*, That the jurisdiction heretofore reserved over legal fees and expenses of counsel for the company be and the same is hereby continued.

*It is further ordered*, That the jurisdiction heretofore reserved over the estimated legal fee of \$15,000 and expenses of \$1,500 of counsel for the purchasers of the bonds be and the same is hereby released, it appearing to the Commission that under all the circumstances such fee is not unreasonable.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-19748; Filed, Oct. 25, 1945;  
11:30 a. m.]